

***FINAL Generic Environmental Impact Statement***  
***for the***  
**GORDON HEIGHTS**  
***Land Use Plan***  
February 2011



Prepared for the:



**TOWN OF BROOKHAVEN**

Prepared by



**Cameron Engineering & Associates, LLP**

In Association With

**AECOM Economics Group**

**ADL III Architecture, PC and Vision Long Island, Inc.**

**FINAL GENERIC  
ENVIRONMENTAL IMPACT STATEMENT**

**FOR THE**

**GORDON HEIGHTS LAND USE PLAN**

**GORDON HEIGHTS  
TOWN OF BROOKHAVEN  
SUFFOLK COUNTY, NEW YORK**

**LEAD AGENCY:  
CONTACT:**

**TOWN OF BROOKHAVEN TOWN BOARD**  
Thomas Chawner, MUP, AICP, Planner & Project Manager  
Town of Brookhaven  
Department of Planning, Environment & Land  
Management  
One Independence Hill  
Farmingville, New York 11738  
Tel (631) 451-6400

**PREPARED BY:  
CONTACTS:**

**CAMERON ENGINEERING & ASSOCIATES, LLP**  
Janice Jijina, P.E., AICP/David L. Berg, AICP  
100 Sunnyside Boulevard, Suite 100  
Woodbury, New York 11797  
516-827-4900

**DATE ACCEPTED:**

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## **1. Introduction**

The Gordon Heights Land Use Plan (GHLUP) details existing land use, demographic, and economic conditions in the hamlet and provides guidance for future land-use decisions inside the study area. The Land Use Plan (LUP) is based on an earlier community visioning and extensive community outreach. The Plan covers the community's traditional boundaries: Middle Country Road to the north, East and West Bartlett Roads to the east, Mill Road to the west, and the area approximately 1000 feet south of Granny Road on the southern end.

The Plan analyzes the following elements of the Gordon Heights community: land use and zoning, demographics and economics, mobility, infrastructure, and environmental resources. The GHLUP elaborates on the results of the community visioning. The Plan reviews those elements of the Middle Country Road Land Use Plan that pertain to Gordon Heights, specifically the proposed Westfield-Fife Neighborhood Center and the Transitional Corridors east and west of it.

The discussion of land use covers residential, commercial, industrial, and recreational uses as well as community services, and open space. The Plan focuses on the land use and related requirements of the South and North Neighborhood Centers as proposed by the community during the visioning and modified based on the economic report conducted for the Land Use Plan. Land uses were obtained from the Town's Geographic Information System (GIS). The information was current as of 2008, however, not completely field checked. As with any land use study, a certain percentage of the land uses change during the study period. Residential land use is by far the predominant use (nearly one half the acreage and three quarters of the parcels). That will remain approximately the same even if several parcels identified as vacant have since been developed. There were only three parcels in industrial use. That has not changed. The fact that there is very little commercial land use in the community has also not changed. At the time of the data collection, less than three percent of parcels (only five percent of acreage) had commercial uses. Commercial uses may since have declined with the economy. Public and recreational land may have increased as the Town acquired some acreage to add to the Overton Preserve. The environmental impacts discussed in the DGEIS are unchanged by what are likely to be minor changes in Gordon Heights land use.

The GHLUP makes recommendations for new and modified residential and commercial land uses. Zoning and building code modifications are recommended in support of the Plan. The Plan recommends infrastructure and mobility improvements, particularly wastewater collection

and treatment.

A Draft Generic Environmental Impact Statement (DGEIS) was adopted by the Town of Brookhaven on October 5, 2010. It examined the existing conditions, potentially significant adverse impacts, alternatives, and mitigation measures for the proposed Land Use Plan. The Town Board held a public hearing on the DGEIS on December 7, 2010, and accepted public comment on the DEIS through December 17, 2010. The Public Hearing is available on DVD from the Town Clerk's office (request DVD of the 12/7/10 Town Board Meeting). Comment letters are provided in Appendix A.

The DGEIS discusses several alternatives: no action, development under existing conditions, and three development scenarios under proposed conditions. Since the J Business District allows a range of uses from residential to office, the EIS considers three scenarios. In the first scenario, all of the J Business District is developed with single family homes, and the north and south centers are developed at the densities recommended in the GHLUP. Under that scenario, there would be an increase in housing from 118 units to 340 units accompanied by a significant decrease in commercial use as compared to the maximum development under existing zoning. Under the second scenario, all of the J Business District is developed with office use and the north and south centers are developed at the densities recommended in the GHLUP. Under that scenario, there would be an increase in commercial use and a similar number of housing units as compared to the maximum development under existing zoning. It is likely that actual development would fall somewhere in between the above two extremes, with an increase in housing and a decrease in commercial use. In the third scenario, half of the acreage is developed with residential use and half with commercial use. Regardless of the scenario, as some of these properties are already developed, it is likely that, with the exception of the North and South Centers, redevelopment would occur over an extended time, if at all. Finally, the DGEIS is by nature a general document. The specific details of the proposed developments that will occur as a result of the Land Use Plan are not known at this time and will be further analyzed through Supplemental Environmental Impact Statements as appropriate.

This FGEIS addresses concerns raised during the public hearings and in written comments received during the public comment period on the DGEIS. See Appendix A for the comment letters and response memorandum. The DGEIS is incorporated into this document by reference.

The State Environmental Quality Review Act states, "A final EIS must consist of: the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a

hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.”

## 2. Comments and Responses

This chapter addresses the comments received during the SEQRA public hearing and the public comment period on the DGEIS. Please note that excerpts from comment letters are reproduced here as received and spelling of names, etc, have not been corrected. The comments are grouped by subject matter and referenced to the original source.

The Public Hearing is available on DVD from the Town Clerk's office (request DVD of the 12/7/10 Town Board Meeting). All letters received are in Appendix A and information related to the preparation of the DEIS is in Appendix B. Living resources information is found in Appendix C and a map of the Carmans River contributing area is in Appendix D. Gordon Heights soils and water quality information is found in Appendix E.

### 2.1. Conformance with SEQRA

#### **Comment 1: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 1-2)**

*Overall, staff have determined that the Draft GEIS performs a woefully inadequate review of existing environmental resources and potential environmental impacts. Although pages 1-1 to 1-3 of the DGEIS discuss and acknowledge certain aspects of the section 617.10 of the SEQRA regulations in regard to generic environmental impact statements, there are several key portions of this section of the regulations which have been ignored and which the Town should contemplate and abide by before proceeding further.*

*Section 617.10 (a) of the SEQRA regulations states that GEISs may include "...an assessment of specific impacts if such details are available." The Town has described and defined a discrete geographical area as the subject of the Gordon Heights Land Use Plan, that area specifically mentioned as being bounded by State Route 25 on the north, East Bartlett Road and West Bartlett Road on the east, Mill Road on the west and a boundary line 1,000 feet south of Granny Road on the south. Having defined this area allows the Town to compile and assess all existing and relevant environmental resource data for the area, yet this was not done. There is certainly already a substantial body of environmental resource data readily available such as groundwater quality and depth information and certain ecological information. For example, a cursory glance at the New York State Department of Environmental Conservation's web site reveals that significant information regarding plants and animals, existing SPDES discharges and*

*mining sites is readily available. Yet, the Town failed to make mention of any such data within the body of its GEIS nor did the Town provide a detailed environmental impact analysis based on such available data.*

**Response:** The 1990 Natural Resources Inventory of the Town of Brookhaven discusses the common habitats of the Town and the species present as of the date of publication (see Appendix C for excerpts). One of the common habitats, ‘suburban,’ is also common to most of Gordon Heights. This habitat type is characterized by forest fragments interspersed with development. The parcels that comprise the proposed South Neighborhood Center site make up a larger uninterrupted woodland, primarily oak forest as defined by the NYSDEC classification system developed by Edinger *et al.* (2002). There are no structures on the parcels. The parcels that would make up the North Neighborhood Center are partially developed, though there are remnants of oak forest on some of the parcels. See Appendix C for a list of species that occur in Brookhaven in these forests. Mammals found in the Town of Brookhaven and those that would likely occur on the parcels are also listed in Appendix C. The NYSDEC Breeding Bird Atlas (Block 6152B) lists 74 bird species for the Gordon Heights area, of which 40 were confirmed by the agency, 25 listed as ‘probable, and 9 species as ‘possible’ during the 2000-2005 survey period. During spring 2008 field visits to Gordon Heights, song sparrows, crows, mourning doves, white-throated sparrows, cardinals, blue jays, and chickadees were observed.

\*\*\*\*\*

There are few reptiles and amphibians that are likely to occur on the proposed Neighborhood Center parcels. The eastern tiger salamander, an endangered species, is known to occur in the vernal ponds of the Town’s Overton Preserve. The NYSDEC has certified some of the ephemeral pools there as tiger salamander breeding habitat. Other reptiles and amphibians found in the Overton Preserve wetlands are discussed in the Town’s 2006 Overton Preserve Land Use and Preservation Plan.

Some species of snakes (garter, black racer, milk, and hognose snakes), however, are found in a variety of terrestrial habitats including drier habitats. The eastern box turtle is common in Long Island terrestrial habitats (although listed in New York State as a species of special concern). It is expected to be found on the Southern Neighborhood parcels, as it requires little water.



The [NYSDEC Environmental Resource Mapper](#) (see map in Appendix C) shows the presence (as discussed in the LUP) of State regulated freshwater wetlands in the northeastern and northwestern corners of Gordon Heights. Neither of the Neighborhood Centers is in close proximity to these areas, nor are any improvements proposed there. The same map indicates the presence of NYSDEC designated ‘Significant Natural Communities’ in the Overton Preserve, to the west of Gordon Heights. The map indicates that the adjacent area identified as “Natural Communities Nearby” is just to the west and north of the South Neighborhood Center. The NYSDEC Environmental Resource Mapper also indicates that rare and endangered species may be located near Gordon Heights (see map in Appendix C). The locations correspond to the wetlands of the Carmans River, the Overton Preserve, and the wetland in the northwestern corner of Gordon Heights. Although some of these wetlands may be suitable habitat for tiger salamanders, breeding has been documented only in the Overton Preserve. Most of the parcels containing wetlands within the Study Area have been preserved and integrated into the Town’s Overton Preserve Land Use and Preservation Plan adopted in 2007. Please see the Overton Preserve Land Use Preservation Plan (adopted in 2007) for a complete discussion of the protected flora, fauna and habitats. The NYSDEC requires that 50 percent of lands within a 1,000 foot radius of tiger salamander breeding ponds remain natural and 100 percent of lands within 500 feet of the ponds remain natural. Both the North and South Neighborhood Centers are in excess of 1000 feet of the wetlands. In fact, the distance from the closest ephemeral pool to the nearest tip of the proposed South Neighborhood center is more than 3,000 feet.

Appendix C includes a list of rare plant species found in the Town of Brookhaven in 1990. Most of the plant species in the list are associated with freshwater and tidal wetlands and grasslands. Some of these species may occur in the wetlands referred to above.

\*\*\*\*\*

The Gordon Heights LUP discusses groundwater resources. All of the study area is in Hydrogeologic Zone III. The Town encourages cluster development and imposes limits on clearing and fertilizer-dependent vegetation to preserve natural recharge areas and reduce leaching of contaminants to groundwater. The Town also established stricter standards for light industrial development in Hydrogeologic Zone III. The groundwater aquifer (Glacial) is many tens of feet below grade in Gordon Heights. There are,

however, areas where groundwater is perched over clay lenses. This is likely the case in the northeastern corner of the community where ponds adjacent to the golf course feed the Carmans River headwaters. Some parcels inside Gordon Heights, underlain by clay lenses, have shallow groundwater and are therefore less suitable for development due to sanitary wastewater regulations.

The majority of the Gordon Heights Study Area is outside the Carmans River contributing area. Consequently, little or no impact to these sensitive surface waters is anticipated. Clearing of the parcels that would make up the South Neighborhood Center would be limited to the 53 percent allowed by Town Code. The cleared portion of the site would experience a consequent loss of habitat, however, wildlife displaced by the development would likely find refuge in the adjacent Suffolk County Water Authority protected space to the north and in the nearly 600 acres of the Overton Preserve.

\*\*\*\*\*

Unavoidable adverse environmental impacts are not anticipated from the adoption of the GHLUP. Within the planning process, subsequent development actions are subject to review for potential environmental impacts. The regulatory mechanisms for these environmental impact reviews are currently effective within the Town in compliance with Article 8 of the NYS ECL.

\*\*\*\*\*

The Town would require that development proposals meet the requirements of its code pertaining to groundwater, stormwater, vegetation clearing, etc. For example, in the A-1 District, clearing is limited to 53 percent of the site, with 47percent required to remain naturally vegetated (see ¶ 85, Attachment 7, Figure 5-1: Clearance Standards). Find additional information on living resources in Appendix C.

**Comment 2: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 5)**

*Throughout this section of the document [Potential Significant Adverse Environmental Impacts, Mitigation Measures and Alternatives] are "Proposed Mitigation" subsections which purport to address potential environmental impacts generated by the proposed land use plan. As discussed in previous sections of this letter, these mitigation measures are cursory, vague, general, non-committal and exceedingly inadequate. They do not*

*meet the SEQRA "Hard Look" test first espoused by State courts in H.O.M.E.S. versus UDC and subsequently required of all lead agencies in New York State, including the Town of Brookhaven. Accordingly, it is strongly recommended that the Town prepare and issue a Supplemental DGEIS, which conducts an adequate environmental impact analysis.*

**Response:** The SEQRA ‘hard look’ requires identification of the relevant areas of environmental concern and a thorough analysis of them for significant adverse impacts. A subsequent decision must be supported with reasoned elaboration, in this case the SEQR Findings Statement. As previously discussed, the truly relevant areas of environmental concern within the Study Area are predominately located within the preserved portions of the Town’s Overton Preserve. The proximity of the 562-acre Overton Preserve permits the flight of the typical suburban species associated with the Gordon Heights Neighborhood Centers to the adjacent Preserve.

Two Neighborhood Centers are included in the Gordon Heights Land Use Plan. The potentially significant adverse environmental impacts from the Neighborhood Centers are those typically associated with new development and include: increased clearing and loss of habitat; increased water use, wastewater generation, stormwater runoff, traffic, noise, energy consumption; and the need for additional community and emergency services. The Neighborhood Centers are located over 3000 feet from identified sensitive environmental resources (in the Overton Preserve and northwestern corner of the study area).

Proposed development within the Neighborhood Centers will comply with all the rules, regulations, standards, and guidelines promulgated by the Central Pine Barrens Plan, Article 6 & 12 of the Suffolk County Sanitary Code and the NYSDEC. In addition, the DGEIS proposes a variety of measures that will mitigate a portion of the impacts generated by these developments. The measures will reduce but not eliminate the impacts of the new developments on the environment. They are meant to establish the kind of standards that the Town would impose on the developers of these areas. For example, providing incentives for developers to increase their use of pervious pavement will reduce runoff and similarly requesting that plans do not show the use of irrigation for other than plant establishment will reduce water use and encourage use of native draught-resistant plants. Locating the Neighborhood Centers within walking distance of existing bus lines will reduce the potential for additional traffic.

The Town must also, however, weigh the social and economic benefits of these developments. They include an increase in sorely needed affordable housing that includes a mix of housing types for a mix of incomes, local options for neighborhood retail, and a new model for housing that focuses on neighborhood rather than sprawl development.

\*\*\*\*\*

Potential impacts from the adoption and implementation of the GHLUP would come from future development. Potential impacts are contingent upon a variety of factors, many of which are unknowable at this time, such as: the specific number of development rights that will be redeemed on a particular property, which depends upon property owner and developer preferences and the ability to negotiate the purchase of development rights; the exact types or mixes of uses that will be proposed; the unique siting and design of future buildings and layout of the projects; the particular types of infrastructure and mitigations that will accompany future development plans; and the project specific requirements and recommendations of approving and permitting agencies. For these reasons and to ensure full and accurate examination of the issues, it is important that future actions involving redemption of development rights be evaluated on a site-by-site and project-by-project basis under the conditions that exist at the time of the application. However, based on this generic environmental review, the Town will require that development proposals for the Neighborhood Centers and any other developments with potentially significant adverse environmental impacts prepare a Supplemental Environmental Impact Statement that addresses site specific adverse environmental impacts and provides appropriate and detailed mitigation measures. Where increased density above the underlying zoning results, the Town will require a combination of community benefits and Pine Barrens credits, in accordance with Town Code and the PB CLUP.

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Regarding the recommendation that a Supplemental be prepared, the Town has been advised in writing by NYS that the proper vehicle to address comments received from the coordination process is the FGEIS. Therefore, a Supplemental will not be prepared.

**Comment 3:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 8)

*Furthermore, the recitation here of vague, general, and non-binding Town guidelines regarding clustering, clearing, fertilizer-dependent vegetation is not appropriate for the Environmental Setting section nor would it suffice as being adequate if it were moved to the mitigation measures section.*

**Response:** It is explicitly acknowledged that all aspects of development proposed within the Gordon Heights Land Use Plan will conform to all applicable federal, state, and local rules and regulations including those of the Central Pine Barrens Comprehensive Land Use Plan. (PB CLUP). The Town will impose strict requirements on proposed developments for the Neighborhood Centers including adherence to the 53% clearing standard. Town Code is clear about reducing potentially adverse environmental impacts in Planned Development Districts (PDDs). For example, §85-340(E) from the PDD portion of the code refers to clearing, use of fertilizers, use of IPM, etc.:

*Landscaping and fertilization. Clearing and grading limit lines shall be established on all approved subdivisions and site plans. They shall also be clearly marked in the field so as to help assure that there will be no disturbance of areas to be preserved with natural vegetation. Where landscaped/turf areas are provided, the use of fertilizers, pesticides, fungicide and herbicides shall be minimized as much as possible and shall be required to comply with the standards as established by the Long Island Regional Planning Board and NYSDEC. Further, the use of pesticides, fungicides and herbicides shall conform as closely as possible to Integrated Pest Management (IPM) techniques. New plantings shall be of native plant species which require minimum fertilization, maintenance and care, and will otherwise help to promote the achievement of the legislative intent of this article.*

Town Code also encourages the use of PBCs in cases where increased density is proposed:

*It is the policy of the Town Board to encourage, in connection with PDD applications, the use of PBC's transferred out of the Brookhaven portion of the Central Pine Barrens to increase on-site density and/or to allow requested changes of use, consistent with the purposes and goals of this article. Except in those cases where the Town Board may approve the provision of a special public benefit, as defined herein, all zoning incentives shall be based upon the use of PBC's.*

The Code specifies that developers can provide other special public benefits in exchange for a zoning incentive. When doing so the Town will base the actual zoning incentive on

the comparable economic value of PBC's and the importance of the proposed public benefits,

Additional environmental information is provided in Appendix C – Living Resources, Appendix D – Carmans River Contributing Area, and Appendix E – Gordon Heights Soils . Further discussion on environmental issues is included in the responses to comments on Groundwater Resources (Section 2.7), Natural Resources (Section 2.9), Wastewater Collection (Section 2.8), and Vegetation Clearing (Section 2.10).

## **2.2. Conformance with Pine Barrens Comprehensive Land Use Plan**

**Comment 4:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 5)

*Overall, the Plan does not demonstrate that proposed rezoning scenarios achieve overall compliance with the CLUP. Accordingly, the analysis should be revised to demonstrate whether or not the proposed rezoning actions comply with the CLUP. The analysis should be submitted for review to the Commission prior to a final decision on or the adoption of the proposed Land Use Plan.*

**Response:** The rezoning would comply with Pine Barrens Comprehensive Land Use Plan (CLUP) clearing limits (see table) and would require 2-10 Pine Barrens Credits depending on the project.

**Table 1. Clearance Standards from the PB CLUP**

<b>Zoning Lot Size (Square Feet)</b>	<b>Zoning Lot Size (Acres)</b>	<b>Zoning</b>	<b>Max. Site Clearance (%)</b>
10,000	0.25	Residential	90
15,000	0.33	Residential	70
20,000	0.50	Residential	60
30,000	0.67	Residential	58
40,000	1.00	Residential	53
60,000	1.50	Residential	46
80,000	2.00	Residential	35
120,000	3.00	Residential	30
160,000- 200,000+	4-5+	Residential	20
NA	NA	Commercial, Industrial, Other, or Mixed Use	65

The Town will require mitigation measures to address site-specific adverse environmental impacts that are identified by the Supplemental EIS that the Town will require for Neighborhood Center development. Mitigation measures could include:

- Development of projects that involve more than one acre of ground disturbance will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that will be inspected by Town Inspectors. The SWPPP will prevent erosion of soil, sedimentation of wetlands or stormwater systems and preserve top soil.
- Compliance with Suffolk County Department of Health Services Sanitary Code requirements for wastewater systems including design, siting and construction standards and on-site soil investigations, as necessary.
- Consideration of community wastewater treatment facilities in hamlet centers where additional density triggers increased treatment requirements to help to deliver higher quality effluent, in conjunction with the elimination of development rights in nearby transition /sending areas.
- Compliance with NYSDEC SPDES permits for any future developments requiring alternative septic systems or special wastewater treatment facilities.
- Connection to public water facilities to ensure a potable source of water.
- Future SEQRA and Town Development application reviews and identification of mitigations or denial of development applications or aspects of applications where serious and un-mitigatable impacts are identified.
- Suffolk County Planning Commission review and recommendations, as necessary.
- Coordination of future applications for development involving the transfer of development rights within Pine Barrens areas with the Central Pine Barrens Joint Planning and Policy Commission.
- Incorporation of access management strategies such as limiting curb cuts, sharing highway access and providing cross accesses between properties.
- New York State Department of Environmental Conservation (NYSDEC) and or Town Wetlands Permit reviews for projects or actions located within respective agency wetland jurisdictions.
- Use of shared parking or public parking.
- Construction of raised medians in the hamlet/neighborhood centers to address turning conflicts and provide pedestrian refuges.
- Consideration of left and right turning lanes at accesses, where applicable.
- Reductions in the local speed limit within the Hamlet Centers.
- Adjustments to traffic signal timing where appropriate.
- Promotion of more frequent and extended bus service and installation of sheltered bus stops.
- Creation of a pedestrian and bicycle-friendly environment, including Americans with Disabilities Act (ADA) compliant sidewalks, signalized crosswalks, uses of curb bulb-outs, appropriate bike route designations, installation of bike racks and lockers or other similar facilities and amenities.

- Coordination of future development involving transferred development rights in Hamlet Centers with the New York State DOT when road work permits are required.
- Centralization of development, utilities, and infrastructure, and generation of addition property taxes in hamlet centers to offset public service demands.
- Super-majority votes by the Town Board for any potential transfers of development rights between school districts.
- Promotion of increases in the number of stories of a building (i.e. more than one story) rather than enlarging building footprints which causes additional site disturbance, can encroach into environmentally sensitive areas, reduces area needed for parking, wastewater systems and green space and is generally considered a more efficient use of land.
- Implementation and compliance to the guidelines and recommendation of the Final 2006 MCRLUP including promotion of affordable housing and improved landscaping, architecture, site design, lighting and signage.
- Redevelopment and revitalization of hamlet centers thorough redemption of development rights within the Compatible Growth Area of the Central Pine Barrens Preserve, thereby allowing enhanced aesthetic improvements.



### **2.3. Segmentation**

**Comment 5:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 2)

*Section 6173 (g) of the SEQRA regulations pertains to segmentation. Subparagraph 2 of this section states:*

*"If it is determined that an EIS is necessary for an action consisting of a set of activities or steps, only one draft and one final EIS need be prepared on the action **provided that the statement addresses each part of the action at a level of detail sufficient for adequate analysis of the significant adverse environmental impacts...**" (emphasis added)*

*The Town should adhere to this requirement in its review of the environmental impacts of the proposed land use plan and prepare and issue a Supplemental DGEIS to provide a sufficient level of detail in regard to such impacts.*

**Response:** The EIS for the Gordon Heights Land Use Plan (LUP) is a *Generic* review of potential impacts and possible mitigation measures. The LUP proposes solutions to the needs of the entire Gordon Heights community. The major proposed actions, the development of the North and South Neighborhood Centers, are discussed in detail. Potential impacts from the North Center (Westfield Fife Neighborhood Center) are discussed in the EIS prepared for the Middle Country Road LUP. Impacts from the South Neighborhood Center are covered in the EIS for the Gordon Heights LUP and are discussed further in this FEIS. Segmentation is not possible as the details of future development of the Neighborhood Centers are not yet known.

Regarding the suggestion that a Supplemental be completed, see response to Comment 2.

### **2.4. Cumulative Impacts**

**Comment 6:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 2)

*Section 617.10 (a) of the SEQRA regulations also notes that a GEIS may be used to "...assess the environmental impacts of...a number of separate actions in a given geographic area" as well as "...separate actions having generic or common impacts." However, these specific impacts were not evaluated as they should have been. Section 617.10(3) states:*

*"In connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration but also, in more general or conceptual terms, the cumulative impacts of a large project or series of projects that may be developed in the future. In these cases, this part of the generic EIS must discuss the important elements and constraints present in the natural and cultural environment that may bear on the conditions of an agency decision on the immediate project."*

*Again, the collective site-specific impacts of the Town's contemplated actions enumerated in its draft land use plan should be evaluated.*

**Response:** The consumption of water, energy, and other resources from Neighborhood Centers and other developments would be additive, but the impacts of the whole would not be greater than the parts. As discussed above, the Neighborhood Centers could be constructed in phases depending on the availability of different wastewater treatment options. Each phase would have a fraction of the water and energy use, wastewater and traffic generation, ecological and other impacts of the project as a whole. For example, Table 5-2 of the DGEIS lists the potential wastewater generation under each of the three scenarios described. For example, one option for the South Neighborhood Center may be the initial construction of a 'package plant' to accept flow from the first phase of the South Neighborhood Center. This might be followed by construction of additional capacity at one of the neighboring private plants (on Granny or Mill Roads) and connection of phase 2 of the South Center. Finally, or instead of the second phase, the County might expand the Selden sewer district and add capacity to the plant to include the Gordon Heights Neighborhood Centers and the Coram-Middle Island hamlet center. The construction of new sewer capacity at neighboring private plants would be sufficient only for the Neighborhood Center and would not therefore induce additional growth. Although the County and Town are currently engaged in a sewer study, expansion of the Selden treatment plant would likely be based in part on anticipated 'downtown' growth in the proposed Coram – Westfield Fife - Middle Island hamlet centers as well as the South Neighborhood Center.

Table 5-3 of the DGEIS similarly lists the estimated traffic generation associated with the development scenarios. The DGEIS discusses the potential adverse environmental impacts of the entire project. The potential impacts of a phased project taken together would not exceed those of the project constructed in a single phase.

A number of factors including available sewer capacity, building form, onsite parking availability, and the residential, retail, and office market will define the cumulative limits of growth. Participants in the community visioning process made it clear that there were already residents of Gordon Heights living with families that would move into the kind of Neighborhood Centers as described in the LUP. This kind of internal movement was estimated in the Economic Study to represent approximately 20 percent of the new units and would have minimal environment impact on the community as a whole. New residents drawn from outside Gordon Heights would be occupy the other approximately 88 new households established. This would represent only modest growth.

Concentrating compact development in the proposed Neighborhood Centers will relieve development pressures in other areas of the Town where current zoning permits only single use, single family development. Compact development has been shown to reduce energy and materials use (as apartments and attached units require less construction material and occupants use less energy than in single family homes), vehicle miles travelled (as some residents live and work in the same community), and even water use (as there is typically less managed landscape per unit).

The Gordon Heights LUP is also tied to the Middle Country Road Land Use Plan that recommends establishment of a corridor (Middle Country Road) Transitional Area Overlay District (TAOD). The Town will approve only minimal development (and no retail) in the TAOD and instead will encourage compact development in the Hamlet Centers. Thus the cumulative and long term impact of the Gordon Heights and Middle Island Land Use Plans will include enhanced aesthetic and visual character for the Middle Country Road corridor, decreased sprawl, more efficient use of infrastructure and transportation, and greater preservation and restoration of natural areas through the use of Pine Barrens Credits. Reducing sprawl leads to corresponding reductions in environmental impacts including decreased use of energy and materials, reduced vehicle use and traffic, reduced clearing and increased preservation of open space (on a regional basis) by encouraging denser development and through the purchase of Pine Barrens credits.

**Comment 7: (Long Island Pine Barrens Society, November 17, 2010 Letter, Page 1)**

*We have previously advised all Long Island towns that generic and project-specific Environmental Impact Statements consider the cumulative impacts known and reasonably*

*anticipated development in the CGA and other environmentally sensitive areas. The Gordon Heights hamlet is no exception*

**Response:** See response to Comment 6.

## **2.5. Zoning and Land Use**

**Comment 8:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 10)

*This section [Provide Housing Choices in the South Neighborhood Center (p. 11-3)] recommends rezoning of parcels in the proposed South Neighborhood Center to a Planned Development District. Table 11-2, Proposed Zone Change for South Neighborhood Center, lists six parcels totaling 41 acres where zone changes are proposed from existing A-1 Residence Zoning to PDD Zoning. The document does not refer to compliance with the CLUP including but not limited to Chapter 4, Review Procedures and Jurisdiction, Chapter 5, Standards and Guidelines for Land Use, and Chapter 6, Pine Barrens Credit Program, nor is an analysis provided of the potential impacts on the CLUP as a result of the proposed rezoning. The DGEIS must include this analysis and the Plan must reflect compliance.*

**Response:** The Town of Brookhaven is a signatory to the Pine Barrens CLUP. It will review the site plans associated with development proposals for the parcels that would be rezoned from A-1 to PDD. That review will include the fullest compliance possible with the Standards and Guidelines for Land Use as defined in the CLUP. Clearing standards (as discussed elsewhere in this document) may be met by permitting additional building height/stories and requiring clustering. The use of Pine Barrens TDR credits will also be required (as discussed elsewhere in this document). Groundwater protection will be provided by requiring a connection to a private or, more likely, public wastewater treatment plant.

Compliance with other standards of good land use practice (as defined in the PB CLUP), such as proper stormwater management, reduced or zero irrigation, fertilizer, and pesticide use, is required as part of the Town's MS4 stormwater regulations.

**Comment 9:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 10-11)

*The proposed Draft Land Use Plan contains a proposed Hamlet Center Overlay District (HCOD). The proposed HCOD does not include any reference to compliance with the*

*CLUP including, but not limited to Chapters 4, 5, and 6. Since all parcels in the CGA that are also within the HCOD must comply with the CLUP, any proposed Code Amendment or adoption of a new Code Section or Hamlet Plan must include, at a minimum, a cross reference statement to the CLUP and ECL Article 57 and also must demonstrate conformance with the CLUP and ECL Article 57.*

*The information and discussion contained in the Gordon Heights Land Use Plan and DGEIS does not provide adequate support for future site-specific SEQRA reviews within the Land Use Plan study area. Furthermore, the Commission would not be able to rely on this document as satisfying any portion of its own SEQRA review requirements for any project within the Gordon Heights Land Use Plan study area which may come before the Commission for a hardship waiver or other form of approval. Accordingly, it is highly recommended that the Town prepare and issue a Supplemental DGEIS which adequately addresses the substantive deficiencies enumerated above.*

**Response:** The Gordon Heights Land Use Plan references and is consistent with previous Town planning efforts and environmental reviews along Middle Country Road, including the adopted “Final 2006 Middle Country Road Land Use Plan for Coram, Middle Island and Ridge (2006 CMIR LUP), Town Board Own Motion Rezonings and associated environmental impact investigations.

In April 2006, the Town Board issued SEQR Findings adopting the 2006 CMIR LUP that recommended the creation of the Middle Country Road Corridor Hamlet Center and Transitional Area Overlay Districts. The proposed overlay districts are distributed along ten miles of the Middle Country Road corridor in the hamlets of Coram, Middle Island and Ridge within the Compatible Growth Area of the Central Pine Barrens Preserve. The Gordon Heights LUP includes a lengthy discussion of the adopted CMIR LUP. The recommendations of that Land Use Plan are incorporated into the GH LUP. Specifically, the CMIR LUP recommends a Westfield-Fife Neighborhood Center and associated improvements along Middle Country Road. The GH LUP includes these same recommendations and adds more detail on the nature of land uses in the Neighborhood Center. The GHLUP also is in full conformance with the adopted Overton Preserve Preservation Plan, adopted by the Town Board in 2007.

The creation of the overlay districts is a major step in implementing the 2006 CMIR LUP and achieving a variety of Town and community goals based on the preparatory comprehensive community planning process. The implementation of the overlay districts

also implements aspects of the Central Pine Barrens Comprehensive Land Use Plan, particularly as it relates to the preservation of land within the Central Pine Barrens Preserve through the removal and transfer of development rights to more appropriate growth centers. The transfer of development credits and the associated development design standards also assists in creating compact, orderly, and efficient central business districts for the respective hamlets as recommended by the Central Pine Barrens regional plan.

The purpose and intent of the Hamlet Center Overlay District is to protect the aesthetic and visual character of certain corridors adjacent to commercial corridors within the Town of Brookhaven, and to provide for and promote orderly development where infrastructure is concentrated and transportation options are maximized. The overlay district regulations are intended to supplement the regulations of the underlying zoning districts and to provide for compatibility of development along the identified corridors.

The Hamlet Center Overlay District is expected to encourage and promote the construction of pedestrian oriented facilities in both the public and private realm; provide a strong emphasis on aesthetics and architectural design to establish hamlet center identity, scale, architecture, diversity and focus; encourage the appropriate mix of residential, commercial, office and civic development density in close proximity to transit stops to promote pedestrian activity and minimize auto dependency; enhance the economic stability of the Town by promoting the attractiveness, convenience and accessibility of the commercial areas to which it applies; provide a strong emphasis on redevelopment consistent with the various hamlets' character and identity to promote neighborhood identity, diversity and focus; provide a mechanism to preserve portions of the transitional commercial corridor as naturally vegetated; permit the redemption of development rights from properties within the Transitional Commercial Overlay Districts that may be transferred to parcels within the Hamlet Center Overlay District in conformance with regional and local goals.

The purpose and intent of the Transitional Area Overlay District (TAOD) is to protect and enhance the aesthetic and visual character of certain Town of Brookhaven corridors adjacent to major transportation routes within the CPB CGA. The Town intends for these areas to serve as scenic gateways to existing or proposed central business districts (Hamlet Centers). Infrastructure and transportation options will be concentrated in the Hamlet Centers to encourage development there, rather than in the corridors between

them. The TAOD will provide the mechanisms to insure the safe and efficient use of these roadway corridors; encourage the development and preservation of unique scenic, cultural, and historical character within these corridors; provide a strong emphasis on redevelopment that is consistent with the character and identity of the various hamlets to promote neighborhood identity, diversity and focus; reduce visual distraction through uniform sign criteria; minimize intersections and individual site access points along these corridors; reverse the appearance of commercial and suburban sprawl in the district through predictable setbacks, buffering and redevelopment criteria; and provide a mechanism to preserve portions of the transitional commercial corridors as naturally vegetated. The Town will permit the transfer of development rights for properties within the Transitional Commercial Overlay District to parcels within the Hamlet Center Overlay District or within other Town-designated receiving areas.

The two overlay districts rely on amendments to the 1995 Comprehensive Pine Barrens Credit program to achieve the regional goals of compact, orderly, and efficient central business districts (see the response to Comment 17).

Regarding the suggestion that a Supplemental be completed, see response to Comment 2.

**Comment 10: (Long Island Pine Barrens Society, November 17, 2010 Letter, page 1)**

*Because the Gordon Heights Hamlet lies in the Compatible Growth Area of the Pine Barrens (CLUP). Please determine whether existing zoning and contemplated re-zoning will conform to the act and plan. In this connection, the Society is on record as opposing re-zoning that provides for increased density, beyond as-of-right, except where commensurate public benefits (including the redemption of Pine Barrens Credits) are provided. Moreover, such re-zoning must be consistent with the standards and guidelines contained in the CLUP, including clearing standards. It is not evident that this is so in the DGEIS.*

**Response:** The Town will require that development of the Gordon Heights Neighborhood Centers includes substantial community benefits. To that end, the Land Use Plan includes a large village green and a community center as part of the South Neighborhood Center. It also requires incorporation of sidewalks and alleys to improve pedestrian access and comfort. Furthermore, a significant portion (over and above the percentage required) of the residential units must be made affordable. The development will also include purchase of 2-10 Pine Barrens Credits. All development proposed within the

GHLUP will be consistent with the standards and guidelines of the PB CLUP. Also see response to Comment 12 (below).

**Comment 11: (Long Island Pine Barrens Society, November 17, 2010 Letter, page 1)**

*In the past, we have been critical of provision of the Middle Country Road Land Use Plan (as enumerated in Long Island Pine Barrens Society v. Brookhaven Town Board) and the draft 2030 Master Plan. It is important that the shortcomings of those plans not be replicated in the Gordon Heights Land Use Plan.*

**Response:** The *Long Island Pine Barrens Society v. Brookhaven Town Board* is a pending action that precludes our answering in this format. The Town does not agree that there are shortcomings in the MCRLUP. However, following is a general response regarding GHLUP's conformance with the CPBCLUP, the NYS WSR Program, the Town's Comprehensive Plan, and NYS GML 239, in particular as those rules and regulations apply to higher density development. The two areas of higher density development are proposed within the South Neighborhood Center and the Westfield/Fife North Neighborhood Center on NYS RT 25. The intent of the neighborhood centers, as explained in the GHLUP, are to define compact, orderly and efficient, transit-accessible centers that include workforce housing, pedestrian friendly amenities and substantial public benefits. The neighborhood centers are also intended to promote place-making and a sense of identity for the Gordon Heights community and to provide for and promote orderly development where infrastructure is concentrated and transportation options are maximized.

The proposed Neighborhood Centers are to be located within the Compatible Growth Area of the Central Pine Barrens Preserve. The Compatible Growth Area was designated to permit uses which are compatible with protecting the essential character and natural resources of the Pine Barrens. Development standards and guidelines were established consistent with the protection of water resources and the habitat preservation goals provided for in the Pine Barrens Protection Act. Development envisioned within the GHLUP is expected to be fully compliant with the guidelines and standards of the CPBCLUP and any amendments thereof and to be fully consistent with the Pine Barrens Protection Act. The GHLUP, as well as the MCRLUP, recommends the creation of overlay districts to guide future development. The implementation of the overlay districts is a major step in implementing the 2006 CMIR LUP and achieving a variety of Town and community goals. The implementation of the overlay districts also implements



aspects of the Central Pine Barrens Comprehensive Land Use Plan, particularly as it relates to the preservation of land within the Central Pine Barrens Preserve through the removal and transfer of development rights to more appropriate growth centers. The transfer of development credits and the associated development design standards assists in creating compact, orderly and efficient central business districts for the respective hamlets as recommended by the Central Pine Barrens regional plan.

It should be noted that all development proposals as per the GHLUP will conform to all the guidelines and standards of the CPBCLUP including clearing limits and unfragmented open space.

As assessed from the NYSDEC description of the WSR Program, the GHLUP does not impact the NYS WSR Program River, Article 15 of the NYSECL. The state's Wild Scenic and Recreational Rivers Act protects those rivers of the state that possess outstanding scenic, ecological, recreational, historic, and scientific values. These attributes may include value derived from fish and wildlife and botanical resources, aesthetic quality, archaeological significance and other cultural and historic features.

State policy is to preserve designated rivers in a free flowing condition, protecting them from improvident development and use. This policy is intended to preserve the enjoyment and benefits derived from these rivers for present and future generations.

The NYS WSR Program does not directly relate to the GHLUP, as it regulates Carman's River in specific areas: (a) Approximately two and one-quarter miles from its headwaters at the north boundary of Cathedral Pines Park (formerly Camp Wilderness), Suffolk County, southerly to its intersection with the southern boundary of Camp Sobaco (Girl Scout Camp); (b) Approximately two and one-half miles from Yaphank Avenue, Suffolk County, southerly to the Concrete Wing Dam in Southaven Park; and (c) Approximately two and one-half miles from the south side of Sunrise Highway, Suffolk County, southerly to the mouth of the river (a line between Long Point and Sandy Point) at its confluence with Great South Bay.

The GHLUP will be compliant with the Town's Comprehensive Plan. The Middle Country Land Use Plan for Coram, Middle Island and Ridge (MCRLUP) was adopted by the Town Board after an extensive community planning process, SEQR Environmental Impact Statement proceedings and public hearings. The adoption of the MCRLUP by the Town Board amended the Town's 1996 Comprehensive Plan. The adoption by the Town

Board of the Gordon Heights Land Use Plan (GHLUP), after a similar process, will also amend the Town's 1996 Comprehensive Plan. Therefore, any rezoning or development proposed and analyzed within the parameters of the MCRLUP conforms to the Town's Comprehensive Plan and projects analyzed within the GHLUP will conform to the Town's Comprehensive Plan once adopted.

The GHLUP was referred to the SC Planning Commission (SCPC) in conformance with NYS GML 239-m and Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code. The SCPC issued a resolution at a meeting on December 2, 2010 to approve the GHLUP application subject to three conditions. The first condition required referral of the GHLUP to the NYSDOT in order to determine the potential impact and required mitigation associated with the additional development potential proposed along the NYS RT 25 corridor originally proposed in the 2006 MCRLUP and reiterated in the GHLUP, as well as impacts from trip generation from the south neighborhood center to NYS RT 25. The NYSDOT has been an active participator during development of the GHLUP, as well as the MCR LUP. Referral of the GHLUP has been consistent with SEQRA and at the request of the SCPC referred again on Jan.3, 2011. The second condition required referral to the Central Pine Barrens Joint Planning and Policy Commission which was executed initially on Feb. 22, 2010 and consistently during the SEQR process and on Jan. 3, 2011. The third condition required referral to the SC Department of Health Services and SC Department of Public Works. The GHLUP was referred to both agencies for their review and comments on February 22, 2010 and January 3, 2011.

## **2.6. Transfer of Development Rights and Pine Barrens Credits**

**Comment 12:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 3-4)

*The Gordon Heights Land Use Plan DGEIS must demonstrate that the proposed rezoning actions comply with the CLUP, specifically Chapter 5, Standards and Guidelines for Land Use, and Chapter 6, Pine Barrens Credit Program. In particular, Chapter 6 of the CLUP states:*

*"Each Town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission*

*recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program. "*

*The CLUP analyzed a specific build out capacity for the Town based on the Town zoning in 1995. Any proposed deviation from the DEIS analysis that formed the basis of the adopted CLUP, particularly proposed increases in density or intensity on a project site (e.g., Planned Development Districts (PDDs)) should be required to redeem pine barrens credits or transfer of development rights (TDRs) for land uses such as residential, commercial or industrial.*

*Projects that propose an increase in density and/or intensity should redeem Pine Barrens Credits to ensure continued compliance with the CLUP's receiving area ratios and mitigate potential adverse environmental impacts.*

*The Town's continued compliance with the CLUP Chapter 6, Pine Barrens Credit Program, is required. If the proposed Land Use Plan affects the current maintenance of the minimum one to one receiving capacity to sending credit ratio requirement, the Plan must provide and evaluate its current standing.*

**Response:** The Town acknowledges that the creation of new sending areas within the Central Pine Barren Preserve will require amendments to the Central Pine Barrens Land Use Plan. However, the Town is recommending such amendments in the context of the GHLUP in order to stimulate and promote the necessary future amendments to the Central Pine Barrens Comprehensive Land use Plan. (CPBCLUP). Preliminary analysis of available receiving areas within the Town of Brookhaven has revealed that sufficient vacant acres are available to accept the proposed newly created credits if the Pine Barrens Transfer of Development Credit Program is revised to recognize the new sending areas.

The Town will require developers of the Gordon Heights Neighbor Centers to purchase 2-10 Pine Barrens Credits depending on the specifics of the project and the other community benefits provided (see below).

**Comment 13:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 9)

*This section refers to a variety of proposed changes to the Commission's TDR program. However, the Plan Amendments are a work in progress. The proposed changes that are*

*listed may be eliminated from the Amendments or revised prior to adoption. Although the document could reference the current activity relative to the preparation of Plan Amendments, listing specific amendments is too premature at this stage. Therefore, they should be removed or revised to generally reference the current, ongoing CLUP Amendment process. The proposed Land Use Plan should not be contingent on any or all amendments being adopted since the process is not complete at this time, nor has the environmental review by the Commission and the public been completed to date.*

*The "Recommendations" portion of this Section, states: "Designate the Transitional Corridors of Middle Country Road as sending areas for the potential sale of Transfer of Development Rights credits. Designate the Westfield-Fife Neighborhood Center as a receiving area for the purchase of TDR credits. Establish an online exchange for buyers and sellers of TDR credits or work with the Pine Barrens Commission to manage a Town program." The Commission manages an active Credit Program, which requires a significant amount of effort, attention, and resources. Moreover, the Commission is currently aiming to accelerate the program and is contemplating a proposal to mandate Pine Barrens Credit (PDC) redemption requirements for proposed land use development projects that include increases in density or intensity. It is not the Commission's current objective, intention, or recommendation to create a new, potentially competing program, encourage such a program or partake in a competing program that would jeopardize the success of the Pine Barrens Credit Program. The Town is required to comply with the Pine Barrens Credit Program. It is strongly recommended that the Town utilize their discretionary powers, particularly in regard to downzoning applications, to require the redemption of Pine Barrens Credits. Fostering support of this program ensures that current holders of PBCs will realize the development value that was created in their land when the Act was adopted in 1993, more than 17 years ago.*

**Response:** See response to Comment 12. The proposed PB Plan Amendments (12/22/08) referenced in the DGEIS would establish receiving and sending areas to effectively transfer development rights to concentrate and focus future growth in hamlet and neighborhood centers, and reduce/prevent future sprawl in transition areas. PB's credits would be utilized exclusively, and there would not be a newly created competing Town TDR program for properties within the CPBD.

The Town had worked very closely and effectively with the Commission's former Executive Director to develop the series of PB Plan Amendments referenced in the

DGEIS. Agreement in principal had been reached between Town and Commission staff on the substance of the amendments. There is no greater priority than to reactivate this process so the Commission may move to adopt the amendments which are essential to facilitate the Town's sustainable community planning efforts. The alternative would be to encourage continued suburban sprawl and unplanned, wasteful, and unsustainable development.

**Comment 14: (Suffolk County Planning Commission, December 2, 2010 Letter)**

*The GHLUP recommends the creation of sending and receiving areas for TDR's, sanitary credits and Pine Barren Credits. The GHLUP may significantly alter the existing Pine Barrens program ratios for PBC sending and receiving districts (as ratified by the Town of Brookhaven) and the availability of adequate receiving sites for PBC's must be carefully considered prior to adoption by the Town of Brookhaven...Development densities within the neighborhood centers and PDDs will ultimately be set by the Suffolk County Department of Health Services pursuant to Article 6 of the Suffolk County Sanitary Code. Transfer-of-development rights as a means of density shifting is a viable option toward mitigating density impacts to regional groundwater quality and should be used by the Town of Brookhaven and Suffolk County Department of Health Services.*

**Response:** See responses to Comment 12 and Comment 13.

**2.7. Groundwater Resources**

**Comment 15: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 2)**

*Section 617.10 ( c) of the SEQRA regulations states that GEISs "...should set forth specific conditions or criteria under which future actions will be undertaken or approved" Again, no specific performance standards have been enumerated for future land use activities within the boundaries of the Gordon Heights Land Use Plan study area. For example, page 5-2 of the DGEIS merely outlines a very brief, very generalized, vague and non-committal description of potential mitigation measures for impacts to groundwater:*

*"Water conservation methods could reduce consumption of public water. Drought-tolerant plants could be used where possible to reduce irrigation needs. Pervious materials could be used wherever possible to increase infiltration. Roof*

*collection systems could return rainwater to the ground through the use of dry wells."*

*This is exceedingly inadequate, particularly in the Central Pine Barrens where groundwater resources are of the utmost importance. This concern is further heightened given the fact that the Town is currently engaged in the development of a Carmans River Watershed Protection Plan. The Gordon Heights Land Use Plan acknowledges that a portion of its plan area is within the 0 to 50 year groundwater contributing area of the Carmans River. The Carmans River Technical Advisory Committee and Carmans River Study Group are actively engaged in compiling extensive and detailed existing data about groundwater in the Carmans River Watershed area which will be used in developing very exacting performance standards for future land use actions within the watershed. Accordingly, it would behoove the Town to undertake the same careful and painstaking approach to the assessment of existing groundwater resource conditions within the Gordon Heights Land Use Plan study area and demonstrate consistency in its approach, as is being done in regard to the Carmans River Watershed. Such an effort will also ensure the Gordon Heights Land Use Plan provides adequate protection for the Carmans River and is not at cross purposes with the Carmans River preservation effort.*

**Response:** The development of the North and South Neighborhood Centers is recommended through rezonings to J-6 Main Street Business District and Planned Development District (PDD) respectively. Town Code outlines the requirements for each zoning category (see §85-268 and §85-337.1). Water quality data for Suffolk County Water Authority's Distribution Area 15 (which includes Gordon Heights) is included in Appendix E. The North Neighborhood Center is outside the Carmans River contributing area (see Appendix D). The South Neighborhood Center is just outside the 50-year contributing area. The Carmans River contributing area does include a small portion of the Gordon Heights LUP Study Area (in the northeastern corner of Gordon Heights), but no substantial improvements are proposed in those areas.

As discussed in the LUP, wastewater from the Neighborhood Centers would be directed to a public or private wastewater treatment plant. The Town is required to limit nitrogen levels per Chapter 5, Standards and Guidelines of the PB CLUP and Brookhaven Town Code. It must also meet US EPA, NYS Health Department, and Suffolk County Department of Health Services limits. The discharge from wastewater plants is required to meet Suffolk County Health Department nitrogen limits set in Article 6 of the Sanitary

Code, which for groundwater discharge is 10mg/L. The most likely connections are to the County's Selden or Medford plants that discharge outside the limits of the Carmans River contributing area.

It is beyond the scope of this Generic EIS to undertake the same comprehensive assessment of existing groundwater resources within the Gordon Heights Land Use Plan study area as is currently being undertaken in regard to the Carmans River Watershed. However, once this information is available, the Town will utilize it in its planning and project review of future development and redevelopment within the GH study area.

The above notwithstanding, the Town will subject future site plan applications to a review that will include compliance with the regulations it ultimately adopts for the protection of the Carmans River contributing area. All development proposed within the GHLUP will also be consistent with the standards and guidelines of the PB CLUP.

**Comment 16: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 3)**

*The Town must demonstrate two things before adopting the proposed Land Use Plan and Code Amendments. First, the Town must demonstrate that the proposed code amendments are not substantially inconsistent with the Long Island Pine Barrens Protection Act of 1993 and the Central Pine Barrens Comprehensive Land Use Plan (CLUP). Second, the impacts of the proposed code amendments and their consistency with the CLUP must be analyzed. This is noted in Section 617.9(b)(5)(iii)(h), which states that an EIS must contain:*

*"a statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence. The Draft EIS should identify and discuss ... impacts of the proposed action on, and its consistency with, the comprehensive management plan for the special groundwater protection area program as implemented pursuant to Article 55 or any plan subsequently ratified and adopted pursuant to Article 57 of the Environmental Conservation Law for Nassau and Suffolk Counties."*

**Response:** The GHLUP conforms to the recommendations contained in the SGPA Plan. The Central Pine Barrens Comprehensive Land Use Plan (CPBCLUP) was adopted by Brookhaven Town, along with the Towns of Southampton and Riverhead, Suffolk County and New York State, in 1995. The CPBCLUP controls land use in the area of Brookhaven Town known as the Central Pine Barrens and provides for the preservation

and protection of groundwater, endangered and threatened plants and animals and unique natural resources. In addition, the Central Pine Barrens Comprehensive Land Use Plan recognizes the need for balanced growth and development. The plan was designed to redirect development from an area known as the Core Preservation Area, thereby allowing for the Core's preservation. All undeveloped lands within the Core Preservation Area contribute to the protection and preservation of the ecological and hydrological functions of the Central Pine Barrens and the preservation of the Core Area is therefore an essential component of the Plan. The Compatible Growth Area was designated to permit uses, which are compatible with protecting the essential character and natural resources of the Pine Barrens. Development Standards and Guidelines were established consistent with the protection of water resources and the habitat preservation goals provided for in the Pine Barrens Protection Act. Development envisioned within the GHLUP is expected to be fully compliant with the guidelines and standards of the Plan and amendments thereof and to be fully consistent with the Pine Barrens Protection Act.

The GHLUP is consistent with the Special Groundwater Protection Area established in 1992 by the Long Island Regional Planning Board (LIRPB). The LIRPB released the Long Island Comprehensive Special Groundwater Protection Area Plan which identified nine Special Groundwater Protection Areas (SGPA's). In 1993, these nine SGPA's were classified as Critical Environmental Areas by the LIRPB pursuant to Article 55 of the State's Environmental Conservation law. The area addressed by the GHLUP is within the Plan's Central Suffolk SGPA. The definition of a SGPA under New York State's Environmental Conservation Law, Section 55-0107 reads as follows:

*A recharge watershed area within a designated sole source area contained within counties having a population of one million or more which is particularly important for the maintenance of large volumes of high quality groundwater for long periods of time.*

The SGPA Plan sets forth both general and specific recommendations for each of the SGPA's. The following are some of the pertinent recommendations for the Central Suffolk SGPA.

- Upgrade and expand sewage treatment.
- Acquire and preserve watershed lands, including the Coram wetlands and around the headwaters of the Peconic River.
- Rezone properties in order to concentrate commercial and industrial activities.
- Limit expansion of strip commercial and other non-residential development.



The developments proposed in the Gordon Heights Land Use Plan will require connection to a private or more likely, public wastewater treatment plant. Those plants are regulated by Suffolk County for the protection of groundwater quality and human health. Town code further protects groundwater by regulating management of stormwater from site development. Town staff would review site plans submitted for the Gordon Heights Neighborhood Centers to be sure that proposed clearing, impervious surface coverage, landscaping, proposed stormwater recharge and more are protective of groundwater. The Town may seek to limit nitrogen released to groundwater as part of the site plan approval. The applicable projects would be subject to SEQRA, and SEQRA documents would be reviewed by Town staff, and coordinated out for review and comment.

**Comment 17: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 6)**

*A mere single paragraph [Groundwater – Water Use and Wastewater Treatment (p. 5-2)] is utilized to describe potential environmental impacts. No discussion is provided regarding impacts on groundwater quality such as the amount and concentration of nitrates to be generated after implementation of the Land Use Plan, impacts on private wells, potential impacts on public supply wells and impacts on the Carmans River. In regard to mitigation, the DGEIS recites vague, general and non-binding Town guidelines regarding water conservation methods, use of drought-tolerant plants, use of pervious materials and use of roof collection systems. These are non-specific, insufficient and do not satisfy the performance standard requirements nor establish adequate performance standards as required in Section 617.10 of the SEQRA regulations regarding future actions subsequent to a GEIS.*

**Response:** See response to Comment 16 for discussion of protection of groundwater quality. Neighborhood Center developments would be required to connect to an existing (or less likely, new) wastewater treatment plant. All treatment plants are regulated by Suffolk County and must meet strict discharge limits designed to be protective of groundwater. Both the County and the Town are engaged in sewerage studies to determine which areas should be sewerage and to which existing or new treatment plants they should connect. Priority will likely be given to environmentally sensitive areas, areas that are already developed, and areas where hamlet centers are proposed. Protection of the Carmans River will require careful siting of new development and treatment plant discharges, preferably outside the Carmans River contributing area. The proposed

developments are outside the Carmans River contributing area and therefore do not impact groundwater that discharges to the Carmans. The Town may, however, require that developments such as the proposed Neighborhood Centers meet the similar nitrogen limits as those that are inside the Carmans River Watershed Protection Overlay.

The locations of the wastewater discharges from the Neighborhood Centers have not yet been determined because it is uncertain which treatment plant or plants they would connect to (pending completion of the Town and County studies). Options for the provision of sanitary collection in order of priority include a) connection to nearest existing sanitary sewer district, b) connection to nearest proposed sanitary sewer district, c) connection to an existing private treatment plant, d) connection to a proposed private treatment plant, and e) construction of a private plant on site.

It is possible that the Neighborhood Centers would connect to the County's Selden Sewer District 11, which discharges outside the Carmans River contributing area. Alternatively, and less likely due to the distance, connections might be made to the County's Medford Sewer District 7. There will be minimal impact of the Neighborhood Centers on private and public drinking water wells as wastewater generated by these developments will be treated and discharged at a location that meets Suffolk County Health Department requirements. The County requires that sewer plant effluent meet nitrogen limits of less than 10 mg/L. The discharge of this additional nitrogen to groundwater constitutes an unavoidable adverse impact of population growth.

**Comment 18: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 7)**

*The DGEIS [Groundwater Resources (p. 74)] provides a mere single paragraph to describe the groundwater resources within the Gordon Heights Land Use Plan study area. This is woefully inadequate when the area overlies a sensitive deep-recharge area and designated sole-source aquifer and when one considers that groundwater is one of the most significant and important natural resources on Long Island. Routinely, whether it is a GEIS or site-specific or project-specific EIS, groundwater resource sections would provide a basic reiteration of the subsurface conditions underneath the area (e.g. Upper Glacial, Magothy and Lloyd aquifers along with strata of interest such as clays), data on existing water quality from observation and public supply wells within or adjacent to the study area, direction of groundwater flow (both horizontal and vertical vectors), depth to groundwater (e.g. ranges over the area), a discussion of existing areas of groundwater*

*remediation or areas of contamination, location of clay lenses or other subsurface strata of low permeability that may affect groundwater, pumping information and locations in which private wells are utilized as opposed to public water. As it stands, this single paragraph would not satisfy the SEQRA "hard look" principle to which every lead agency, including the Town, must adhere,*

*As noted earlier in this letter, this concern is increased due to the Town's preparation of a Carmans River Watershed Protection Plan. The Gordon Heights Land Use Plan area is within the 0 to 50 year groundwater contributing area of the Carmans River. The Carmans River Technical Advisory Committee and Carmans River Study Group are actively engaged in compiling extensive and detailed existing data about groundwater in the Carmans River Watershed area, which will be used in developing very exacting performance standards for future land use actions within the watershed. Accordingly, it would behoove the Town to undertake the same careful and painstaking approach to the assessment of existing groundwater resource conditions within the Gordon Heights Land Use Plan study area and demonstrate consistency in its approach, as is being done in regard to the Carmans River Watershed. Such an effort will also ensure the Gordon Heights Land Use Plan provides adequate protection for the Carmans River and does not conflict with the Carmans River preservation effort.*

**Response:** The USDA Natural Resources Conservation Service (NRCS) provides an online mapping service that includes detailed descriptions of soil types. Appendix E shows a map and includes a description of Gordon Heights soils. The NRCS soil survey identifies numerous soil types, but Carver and Plymouth sands account for over 64 percent of the soils. Plymouth loamy sands represent another 21 percent and the remainder includes soils from the Riverhead complex and others. The soils of the South Neighborhood Center parcels are primarily Plymouth loamy sands with some Carver and Plymouth sands (Appendix E). The soil of the North Neighborhood Center is all Carver and Plymouth sand (Appendix E). The predominant soil types are very well drained and are described below:

*Carver and Plymouth sands, 0-3% slopes (CpA) - Deep, excessively drained coarse-textured soils, found primarily on outwash plains with slight erosion hazard.*

*Plymouth loamy sand, 0-3% slopes (PIA) - Deep, excessively drained, coarse-textured soils that formed in a mantle of loamy sand over thick layers of stratified*

*coarse sand and gravel. This soil is on moraines and outwash plains. The erosion hazard is slight and soil tends to be droughty.*

Long Island geology is defined by historic glaciation. Gordon Heights and the southern portion of Long Island is in what was the glacial outwash plain and is therefore characterized by coarse sands and gravel. Bedrock in this area is many hundreds of feet below grade. The sediment that overlies the bedrock contains three major groundwater aquifers: the Lloyd, Magothy, and Upper Glacial Aquifers. The Glacial Aquifer is the water source for most private shallow wells. The Magothy Aquifer is the source of virtually all public drinking water on Long Island. The Lloyd lies below the Magothy and is the purest of the aquifers.

\*\*\*\*\*

Potential impacts to groundwater are typically from drinking water withdrawals and wastewater discharges. The development of the Neighborhood Centers would require a connection to both the public water supply and a wastewater treatment plant. These connections would minimize impacts to groundwater, particularly as it is likely that the discharge of treated wastewater from whichever STP is utilized, would be outside the Carmans River contributing area.

As discussed in the LUP, Gordon Heights is in Hydrogeologic Zone III, where the Town encourages cluster development and imposes limits on clearing and fertilizer-dependent vegetation to preserve natural recharge areas and reduce leaching of contaminants to groundwater. The groundwater aquifer (Glacial) is many tens of feet below grade in Gordon Heights. There are, however, areas where groundwater is perched over clay lenses. This is likely the case in the northeastern corner of the community where ponds adjacent to the golf course feed the Carmans River headwaters. Some parcels inside Gordon Heights, underlain by clay lenses, have shallow groundwater and are therefore less suitable for development due to sanitary wastewater regulations.

Specific site soil and groundwater conditions would be investigated as part of the applicants' due diligence including prior uses and potential contamination. Their findings would be included in Supplemental Environmental Impact Statements that they would prepare for the development of the Neighborhood Centers. Those SEISs would be required to address land use performance standards developed for the Carmans River

contributing area, although the Neighborhood Centers themselves are located outside the Carmans River contributing area.

**Comment 19: (Pine Barrens Society, November 17, 2010 Letter, page 1)**

*Four. We are actively engaged in the production of a Carmans River Watershed Protection and Management Plan of which the Gordon Heights hamlet is a part. It is essential that impacts, especially those to groundwater, surface water and critical habitat are considered in this connection.*

**Response:** See response to Comment 18.

**2.8. Wastewater Collection**

**Comment 20: (Suffolk County Planning Commission, December 2, 2010 Letter)**

*Sewage treatment plants are another potential option to address the density impacts to groundwater quality. Sewage treatment options should emphasize a regional approach. The Suffolk County Department of Public Works is conducting sewer district studies for the Selden/Medford area. The GHLUP should require that sewer connection as a result of development within the GHLUP area be connected to the regional STP in accordance with the review and approval by the Suffolk County Department of Health Services and Suffolk County Department of Public Works.*

**Response:** The Gordon Heights Land Use Plan includes a number of options for connections to private and public wastewater treatment plants including the County plants in Medford and Selden. Connections to these public plants are preferable to the construction of a private plant to serve only the South Neighborhood Center, or to existing nearby private plants. In fact, the Town favors the development and/or expansion of regional sewerage plants as opposed to single-project private plants. The sewer district study underway by the Suffolk County Department of Public Works as well as the one in progress by the Town will define the boundaries of expanded sewer districts and will likely define the criteria used to accept flow from out-of-district developments. The Town Planning Department proposes that future development in the Town should be concentrated in higher density Hamlet Centers to reduce sprawl. Hamlet Centers require sewer connections. The South Neighborhood Center and the Westfield Fife Neighborhood Center are two such Hamlet Centers.

**Comment 21: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 10)**

*The Commission's proposed mandatory credit requirement does not preclude project sites where either an STP exists or where an STP is proposed. Regardless of the system of sanitary treatment that is proposed in an application, the mandatory credit proposal requires Pine Barrens Credits to be redeemed whenever any increases in sanitary flow over the as of right flow (as per the current underlying zoning) are proposed. Rezoning scenarios would be subject to compliance with CLUP Standards and Guidelines under their existing zoning designation, not their proposed or future zoning designation, to determine the excess flow capacity and the number of PBCs required.*

*In addition, CLUP Standard 5.3.3.1.2 (Sewage Treatment Plant Discharge) states, "Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens." Therefore, proposals for construction of new Sewage Treatment Plants in the CGA should be avoided to the greatest extent practicable. Again, increases in development density and intensity must still comply with all CLUP Standards and Guidelines and must be consistent with the goals and objectives of ECL Article 57.*

**Response:** It is explicitly acknowledged that all aspects of development proposed within the Gordon Heights Land Use Plan will conform to all applicable federal, state and local rules and regulations including those of the Central Pine Barrens Comprehensive Land Use Plan (CPBCLUP).

Between 2 and 10 Pine Barrens Credits (PBCs) will be required depending on the final proposed development density and the community benefits package. The Town will require that developers designate a significant percentage of the units as 'affordable.' For example, if approximately 110 units were proposed in the 40-acre South Neighborhood Center under the current zoning, 40 single family housing units would be permitted. Thus, 70 PBCs would be required to achieve the proposed density. However, if 30 percent of the units were affordable, then PBCs would be needed for the remaining 35 units. If all 35 units were multifamily units, then 17.5 PBCs would be needed (1 PBC per 2 MF units).

The Gordon Heights Land Use Plan calls for a Village Green and a Community Center as part of the South Neighborhood Center. If the developer were to contribute \$1,000,000

toward the community center and the value of the Village Green were \$200,000, then that \$1.2M contribution would be worth 15 Pine Barrens Credits at \$80,000 per credit. Under this scenario the Town would require the developer to purchase 2.5 PBCs (17.5 required minus 15 equivalents provided as community benefits). The Town would require additional PBCs if the developer provided fewer community benefits or fewer multifamily units.

If a package treatment plant were constructed to serve the South neighborhood Center, its discharge would be outside and downgradient of the Central Pine Barrens. Of the various options outlined for wastewater treatment, the most likely is connection to an existing public or private treatment plants, all of which have permitted discharges.

## **2.9. Natural Resources**

**Comment 22:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 6-7)

*This section [Ecological Resources (p. 5-4)] does not mention the hamlet's location in the Compatible Growth Area of the Central Pine Barrens and compliance with the Central Pine Barrens Comprehensive Land Use Plan. Furthermore, this section provides only a 3-sentence description of the adverse impacts of the Gordon Heights Land Use Plan and a mere 2 sentences which describe proposed mitigation measures. As is stated elsewhere in this letter, this section would be one of the lengthiest and most detailed in an EIS considered truly complete for public review. This discussion is missing any rational analysis in regard to loss of vegetation, including quantification; impacts on any plant or animal species which are rare, endangered, threatened or of special concern; impacts on wildlife due to habitat loss and impacts on ecological cover types. None of this information has been provided. This section would not satisfy the SEQRA "hard look" principle to which every lead agency, including the Town, must adhere.*

**Response:** The Town prepared a detailed natural and cultural resources inventory for the Overton Preserve Moratorium Area Land Use Plan. The Overton LUP included information on area geology, topography, slopes, and soils, hydrology and water quality, and ecology (natural community descriptions and wildlife including birds, mammals, reptiles and amphibians, insects, endangered, threatened, & special concern species) and historical and cultural resources. Small portions of the Overton Preserve are in Gordon Heights, while the remainder of the Preserve is just across Mill Road. The natural resources of the larger undeveloped lands inside Gordon Heights are similar to those of

the properties inside the Overton Preserve and are described below. Additional information on the natural resources of Gordon Heights, which lies in the Compatible Growth Area of the Central Pine Barrens, is found in Appendix C – Living Resources, Appendix D – Carmans River Contributing Area, and Appendix E – Gordon Heights Soils .

The South Neighborhood Center property is similar to the southern portion of the Overton Preserve, which is primarily deciduous forest defined by its tree composition as a Pitch Pine-Oak Forest, with white oak and red oak as the dominant tree species. Several conifer species, such as Red Cedar, Pitch Pine, and White Pine are also found scattered through the site. The shrubs are typical of Long Island oak forests, with frequent occurrences of Lowbush Blueberry and Catbrier. Other deciduous trees expected on the site include species of Maple, Hickory, Black Cherry, Sassafras, and Dogwood. Like the Overton Preserve, there are few Pitch Pine trees and the oaks are of moderate size, suggesting that these forests date from the early to mid-20<sup>th</sup> century. Community residents indicated that areas of Gordon Heights were cleared during World War Two. North Neighborhood Center properties for the most part are already disturbed and partially built out. There are no wetlands, surface waters, or ephemeral streams on or adjacent to the two proposed Neighborhood Centers.

The following mammals are likely to occur on the larger open parcels in Gordon Heights: Eastern Raccoon, Opossum, White-tailed Deer, Eastern Red Fox, Eastern Cottontail, Gray Squirrel, White-footed Mouse and Eastern Chipmunk. These other mammalian species may also be found: Meadow Vole, Pine Vole, Eastern Mole, Southern Flying Squirrel, Woodchuck, and various bats.

Few amphibians and reptiles are likely to be found in the parcels that comprise the proposed Neighborhood Centers, as there is no standing water, no marsh, and no ephemeral wetlands. However, species that require less water may be present such as: Eastern Box Turtle, Painted Turtle, Eastern Milk Snake, Eastern Ribbon Snake, and Eastern Garter Snake. More information on Natural Resources is found in Appendix C.

Information received from the NYSDEC's New York Natural Heritage Program (see letter from the agency in Appendix C) indicates that no rare, endangered, or threatened species are present in Gordon Heights. The agency did list a number of such species, however, in the adjacent Overton Preserve as well as in a portion of Coram. In fact, the NYSDEC has documented the existence of the eastern tiger salamander in the Overton



Preserve. The closest breeding pond, however, is more than 3,000 feet from the closest point of the proposed South Neighborhood Center.

Ecological impacts associated with the development of the Neighborhood Centers would be related primarily related to the required clearing and loss of habitat. Clearing would be permitted only to the extent permitted by the PB CLUP (53% as per the original A-1 zoning). However, Pitch Pine-Oak Forest habitat would be lost from the cleared area. Species associate with this habitat may migrate to the adjacent large preserved parcel to the north or to the Overton Preserve. The cleared acreage is in the Compatible Growth Area of the Pine Barrens, contains no special or critical habitat, and is at the margin of the Carmans River watershed. The New York Natural Heritage Program listed no rare, endangered, or threatened species in Gordon Heights, so these species would not be impacted by the proposed developments. The developers of these properties would be asked to provide community benefits including a village green and community center. The Town would require a supplemental EIS to address site specific environmental impacts for development of the proposed Neighborhood Centers. The Town would require Pine Barrens credits to be purchased by future developers of the Neighborhood Centers if the planned density of development exceeded the underlying zoning. It is likely that a combination of community benefits and PB credits would be required.

**Comment 23: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 6-7)**

*Projects in the CGA that constitute development, as per ECL §57-0107(13), whether they are within or outside of a hamlet center, must comply with the CLUP. This includes, but is not limited to, compliance with Standard 5.3.3.6.1- Vegetation Clearance Limit, Standard 5.3.3.6.2 - Unfragmented Open Space and Standard 5.3.3.6.3 - Fertilizer Dependent Vegetation Limit. The CGA is designated as a regional resource and recognized as a buffer to the Core Preservation Area. The protection of its groundwater resources and the integrity of the Pine Barrens ecosystem must be preserved in accordance with the goals and objectives of ECL Article 57 and the CLUP.*

*Again, as in the groundwater resources section in paragraph 7.2, a mere single paragraph of 3 sentences is utilized at the top of page 7-3 to address ecological resources. Normally, in any EIS, this section would be one of the lengthiest and most detailed. Missing from this discussion are routine items such as ecological cover types; the results of data requests from the New York Natural Heritage Program in regard to*

*the potential presence of rare, endangered, threatened or special concern plants or animals; information on breeding birds obtained from the Breeding Bird Atlas; direct observation; ecological data obtained from prior analyses of proposed development projects within the Land Use Plan study area; expected and observed wildlife species and habitat requirements of species. Yet, none of this information has been provided. Even the brief discussion of freshwater wetlands within the study area is inadequate. No information is provided as to the DEC classification of these wetlands (i.e. I through IV), size, type or condition. The DGEIS merely states that ponds in the northeastern corner of Gordon Heights "...should receive special attention..." As noted previously, this single paragraph would not satisfy the SEQRA "hard look" principle to which every lead agency, including the Town, must adhere.*

**Response:** Additional environmental resource information is provided above (see Sections 2.7 Groundwater Resources, 2.8 Wastewater Collection, 2.9 Natural Resources, and 2.10 Vegetation Clearing) and is incorporated into the appendices of this FEIS (see Appendix C, Appendix D, and Appendix E). Much of the information for the Gordon Heights area is similar to that of the Overton Preserve. In addition, the EIS associated with the Middle Country Road Land Use Plan addresses the kind of generic environmental impacts associated with both the Westfield Fife Neighborhood Center and the South Neighborhood Center. That DGEIS addressed impacts associated with land use and zoning, natural resources geology and topography, soils groundwater, surface waters and wetlands, ecological resources, scenic, cultural, and historic resources, and transportation. The Town would require a supplemental EIS to address site-specific environmental impacts for development of the proposed Neighborhood Centers.

## **2.10. Vegetation Clearing**

**Comment 24:** (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 4-5)

*Compliance with the CLUP must be demonstrated for all rezoning scenarios (e.g., A-1 Residence to J Business) to avoid potential adverse cumulative impacts pursuant to the CLUP, including, but not limited to, impacts on vegetation due to non-compliance with Vegetation Clearance Limit Standard 5.3.3.6.1 and other Standards in Chapter 5, and maintenance of the ratio of receiving area to sending area capacity as outlined in CLUP Chapter 6 Pine Barrens Credit Program.*

*The Gordon Heights Land Use Plan/DGEIS contains several tables that list parcels in the Gordon Heights hamlet, their existing zoning, and proposed zoning. In many instances, the existing zoning and proposed zoning have different clearing limits, as per CLUP Figure 5-1, Clearance Standards. For example, any parcels currently zoned A-1 Residence are subject to a 53% Clearing Limit Standard which is substantially less than that allowed on any parcels currently zoned J Business which are subject to a 65% Clearing Limit Standard. However, the DGEIS does not address compliance with the CLUP as a result of rezoning scenarios including compliance with or adverse impacts on Standards such as the Vegetation Clearance Limit, as per Chapter 5, Figure 5-1 of the CLUP.*

*If the rezonings proceed, the proposed Plan may result in significant adverse impacts on groundwater resources and natural resources including, but not limited to, pine barrens vegetation and habitat in the CGA. In addition, the rezonings may create a multitude of hardship cases in which projects are proposed which do not conform to the standards in the CLUP. Therefore, all parcels within the Gordon Heights Land Use Plan study area, whether or not they are in a Town-designated Hamlet area or whether or not they are subsequently rezoned, remain subject to the CLUP Standards (e.g., Vegetation Clearance Limit) based on their zoning in 1995. In order to avoid adverse environmental impacts on vegetation, habitat and wildlife, even if parcels are rezoned in the future, the Town should apply the clearing standard based on the 1995 zoning in order to avoid adverse impacts and avoid non-compliance with the CLUP. Accordingly, the proposed Gordon Heights Land Use Plan should be revised to include an analysis that compares the total amount of vegetation which could be cleared over the entire set of parcels to be rezoned under both their existing zoning and proposed zoning. The current Draft Gordon Heights Land Use Plan does not contain this analysis.*

**Response:** It is explicitly acknowledged that all aspects of development proposed within the Gordon Heights Land Use Plan will conform to all applicable federal, state and local rules and regulations including those of the Central Pine Barrens Comprehensive Land Use Plan. (CPBCLUP). The Town will require that development of the Neighborhood Centers comply with the 53% clearing limit standard. Clearance compliance in denser hamlet (or Neighborhood) centers will therefore require denser and taller development such as three or four story attached buildings. For example, the Avalon at Charles Pond development constructed less than one mile west of the proposed Westfield Fife

Neighborhood Center is three stories with an additional level of dormers. This mitigation was developed to protect a series of wetlands that were present on the site.

**Comment 25: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 5)**

*This table [Table 3-5, p. 3-5] lists at least 34 parcels proposed to be rezoned from A-1 Residence to either J or J6 Business/Commercial and Planned Development District (PDD). The parcels collectively represent approximately 74 acres of land. A rough estimate of the amount of clearing that could occur under existing A-1 Residential Zoning is 39 acres, as per the CLUP Standard of 53% listed in Figure 5-1 of the CLUP. The amount of clearing that could occur under the proposed commercial or PDD zoning districts is 48 acres, as per the applicable Standard listed in CLUP Figure 5-1. The DGEIS must identify this and other potential adverse impacts on the Compatible Growth Area and the CLUP and propose adequate mitigation to address adverse impact(s).*

**Response:** The Town will require that development comply with the 53% clearing limit standard. Specific mitigation measures would be included in Supplemental Environmental Impact Statements prepared for the Neighborhood Centers. However, the Gordon Heights Land Use Plan will help achieve a variety of Town and community goals including provision of compact and orderly development in areas where infrastructure is concentrated and transportation options maximized. This form of development minimizes sprawl and the associated environmental impacts. Use of Pine Barrens Credits will allow transfer of development rights from the Transitional Corridors to more appropriate growth centers like the Neighborhood Centers. This is consistent with the Pine Barrens CLUP recommendation to create compact, orderly, and efficient central business districts. It is therefore essential that staff at the Town and the Commission re-engage in deliberations to finalize amendments to the PB CLUP for speedy approval by the Commission's Board.

**Comment 26: (Central Pine Barrens Joint Planning & Policy Commission, November 18, 2010 Letter, page 8)**

*This section states, "For Hamlet Centers, Pine Barrens Credits or off-site preservation within the Compatible Growth Area would be used instead of having to comply with clearing standards. This would allow greater density in the Hamlet Centers. Parcels outside Hamlet Centers or within Transitional Areas would continue to have to comply with the clearing standards." The Commission has not permitted the use of PBCs to*

*comply with Clearing Standards. If an applicant proposes clearing in excess of the Standard, the proposal would require Commission review and its approval of a Hardship waiver. It is not current Commission policy to permit clearing in excess of the Standard in order to meet a Town planning objective. Furthermore, only the Commission is empowered, pursuant to ECL Article 57, to approve variances from the Central Pine Barrens Standards.*

**Response:** It is explicitly acknowledged that all aspects of development proposed within the Gordon Heights Land Use Plan will conform to all applicable federal, state, and local rules and regulations including those of the Central Pine Barrens Comprehensive Land Use Plan. (CPBCLUP). Therefore, the Town will require that development comply with the 53% clearing limit standard.

**Comment 27: (Suffolk County Planning Commission, December 2, 2010 Letter)**

*All of the GHLUP study area is situated within the Compatible Growth Area of the Central Pine Barrens as identified in the Central Pine Barrens Comprehensive Management Plan as promulgated by the Central Pine Barrens Joint Planning and Policy Commission. The development of high density Hamlet Centers may violate clearing standards established by the Pine Barrens Commission.*

**Response:** See response to Comment 26.

### 3. Criteria for Subsequent Review

6 NYCRR 617.10 (c) states that:

*(c) Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQRA compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS.*

6 NYCRR 617.10 (d) further clarifies the requirements for further review after a GEIS has been followed as follows:

*(d) When a final generic EIS has been filed under this part:*

*(1) No further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;*

*(2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;*

*(3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;*

*(4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.*

As the specific development that could occur as a result of this plan is not yet designed, it is likely that additional SEQRA review will be required. The following are examples of when additional SEQRA analysis would be required:

- Development proposals requiring development of a new sewage treatment plant.
- Development proposals creating new Pine Barrens Credit Sending Areas.
- Development proposals that do not conform to all standards and guidelines of the CPBLUP.

## **APPENDICES**

### **Appendix A – Comment Letters**

### **Appendix B – Information Related to the Preparation of the DEIS**

### **Appendix C – Living Resources**

### **Appendix D – Carmans River Contributing Area**

### **Appendix E – Gordon Heights Soils**

**APPENDIX A**  
**SEQRA PUBLIC HEARING**

December 7, 2010

A number of individuals spoke in support of the Gordon Heights land Use Plan. Their comments are available on a DVD at the Town Clerk's office.



**APPENDIX B**  
**COMMENT LETTERS**

<u>Date</u>	<u>Author</u>
November 17, 2010	Richard Amper, Pine Barrens Society
November 18, 2010	Rosalie Hanson, Resident
November 18, 2010	John Pavicic, Pine Barrens Joint Commission
December 2, 2010	Andrew Freleng, Suffolk County Planning
December 3, 2010	Gerome Bell, Jr.
December 6, 2010	Bishop Harrison Hale





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547 EAST MAIN STREET  
RIVERHEAD, NEW YORK 11901

P: (631) 369-3300

F: (631) 369-3389

WWW.PINEBARRENS.ORG

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PLANNING DIVISION

November 17, 2010

Mr. Paul Rogalle, Planning Director  
Town of Brookhaven  
One Independence Hill  
Farmingville, New York 11738

**RE: Gordon Heights Land Use Plan**

Dear Mr. Rogelle:

The Long Island Pine Barrens Society would like to make several comments in connection with the DGEIS for the Gordon Heights Land Use Plan.

One. Because the Gordon Heights Hamlet lies in the Compatible Growth Area of the Pine Barrens (CLUP). Please determine whether existing zoning and contemplated rezoning will conform to the act and plan.

Two. In this connection, the Society is on record as opposing re-zoning that provides for increased density, beyond as-of-right, except where commensurate public benefits (including the redemption of Pine Barrens Credits) are provided. Moreover, such rezoning must be consistent with the standards and guidelines contained in the CLUP, including clearing standards. It is not evident that this is so in the DGEIS.

Three. We have previously advised all Long Island towns that generic and project-specific Environmental Impact Statements consider the cumulative impacts of known and reasonably anticipated development in the CGA and other environmentally sensitive areas. The Gordon Heights hamlet is no exception.

Four. We are actively engaged in the production of a Carmans River Watershed Protection and Management Plan of which the Gordon Heights hamlet is a part. It is essential that impacts, especially those to groundwater, surface water and critical habitat are considered in this connection.

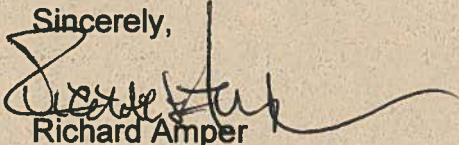
Five. In the past, we have been critical of provisions of the Middle Country Road Land Use Plan (as enumerated in Long Island Pine Barrens Society v. Brookhaven Town Board) and the draft 2030 Master Plan. It is important that the shortcomings of those plans not be replicated in the Gordon Heights Land Use Plan.





Thank you for the opportunity to comment on the DGEIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Amper", with a long, sweeping horizontal flourish extending to the right.

Richard Amper  
Executive Director  
RA/hs

Cc: Julie Hargrave (CPBJPPC)  
Peter Scully (NYSDEC)



# Town of Brookhaven Long Island

November 18, 2010

Mark Lesko, Supervisor

Ms. Rosalie Hanson  
2 Caroline Street  
Medford, New York 11763

Dear Ms. Hanson, *Rosalie*

Thank you for your recent letter to Patricia Eddington, LCSW, Town Clerk, requesting notification of Public Hearings on the Gordon Heights Generic Environmental Impact Statement (GEIS) and Land Use Plan. Both documents have been posted on the Town web site since October 6<sup>th</sup>.

We are pleased to share that the combined Public Hearing on the above will be held at the regularly scheduled Town Board Meeting on Tuesday, December 7th. Persons wishing to address the Board should fill out a *Speakers Card* indicating their desire to address the Board on this issue during the Public Hearing portion of the Meeting. The Town Board Meeting begins at 5:00 PM.

The official public comment period for written comments will extend for 10-days beyond the Public Hearing until December 17<sup>th</sup>. The Town then has 45-calendar days after the close of the Public Hearing or until January 31<sup>st</sup>, 2011 to complete the Final Generic Environmental Impact Statement (FGEIS). It is expected the Town Board will endeavor to accept the FGEIS at its second meeting in January 2011. Please check with the Town Clerk's Office for the date of this meeting as the 2011 calendar has not as yet been published. There will then be an additional 10-day public consideration period following acceptance of the FGEIS by the Town Board. The process is expected to be concluded at the first or second Town Board Meeting in March 2011 by the Board adopting both the Gordon Heights Findings Statement and Land Use Plan. Again, check with the Clerk's Office for these dates.

Thank you for your continuing interest and input in this important community planning initiative.

Best wishes,

*Tom*  
Thomas Chawner, AICP  
Planner

cc: Patricia Eddington, LCSW, Town Clerk  
Brenda Prusinowski, AICP  
Diane Mazarakis, AICP  
David Berg, AICP, LEED, Cameron Engineering

**Department of Planning, Environment and Land Management**

Brenda Prusinowski, AICP, Deputy Commissioner

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November 18, 2010

Mr. Paul G. Rogalle, AICP, PTP, Planning Director  
Town of Brookhaven Department of Planning, Environment and Land  
Management  
One Independence Hill  
Farmingville, New York 11738

**RE: Draft Generic Environmental Impact Statement for the  
Gordon Heights Land Use Plan  
Compatible Growth Area of the Central Pine Barrens**

Peter A. Scully  
*Chair*

Mark Lesko  
*Member*

Steve A. Levy  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

Dear Mr. Rogalle:

On October 26, 2010, the Commission received the Gordon Heights Land Use Plan and Draft Generic Environmental Impact Statement (GEIS) for review and comment. The hamlet is in the Compatible Growth Area of the Central Pine Barrens. Commission staff have prepared comments on the document which are provided below.

***Conformance with SEQRA***

Overall, staff have determined that the Draft GEIS performs a woefully inadequate review of existing environmental resources and potential environmental impacts. Although pages 1-1 to 1-3 of the DGEIS discuss and acknowledge certain aspects of the section 617.10 of the SEQRA regulations in regard to generic environmental impact statements, there are several key portions of this section of the regulations which have been ignored and which the Town should contemplate and abide by before proceeding further.

Section 617.10 (a) of the SEQRA regulations states that GEISs may include "...an assessment of specific impacts if such details are available." The Town has described and defined a discrete geographical area as the subject of the Gordon Heights Land Use Plan, that area specifically mentioned as being bounded by State Route 25 on the north, East Bartlett Road and West Bartlett Road on the east, Mill Road on the west and a boundary line 1,000 feet south of Granny Road on the south. Having defined this area allows the Town to compile and assess all existing and relevant environmental resource data for the area, yet this was not done. There is certainly already a substantial body of environmental resource data readily available such as groundwater quality and depth information and certain ecological information. For example, a cursory glance at the New York State Department of Environmental Conservation's web site reveals that significant information regarding plants and animals,

P.O. Box 587  
3525 Sunrise Highway  
2<sup>nd</sup> Floor  
Great River, NY  
11739-0587

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us



existing SPDES discharges and mining sites is readily available. Yet, the Town failed to make mention of any such data within the body of its GEIS nor did the Town provide a detailed environmental impact analysis based on such available data.

Section 617.10 (a) of the SEQRA regulations also notes that a GEIS may be used to "... assess the environmental impacts of...a number of separate actions in a given geographic area" as well as "...separate actions having generic or common impacts." However, these specific impacts were not evaluated as they should have been. Section 617.10(3) states:

*"in connection with projects that are to be developed in phases or stages, agencies should address not only the site specific impacts of the individual project under consideration but also, in more general or conceptual terms, the cumulative impacts of a large project or series of projects that may be developed in the future. In these cases, this part of the generic EIS must discuss the important elements and constraints present in the natural and cultural environment that may bear on the conditions of an agency decision on the immediate project."*

Again, the collective site-specific impacts of the Town's contemplated actions enumerated in its draft land use plan should be evaluated.

Section 617.10 ( c) of the SEQRA regulations states that GEISs "...should set forth specific conditions or criteria under which future actions will be undertaken or approved." Again, no specific performance standards have been enumerated for future land use activities within the boundaries of the Gordon Heights Land Use Plan study area. For example, page 5-2 of the DGEIS merely outlines a very brief, very generalized, vague and non-committal description of potential mitigation measures for impacts to groundwater:

*"Water conservation methods could reduce consumption of public water. Drought-tolerant plants could be used where possible to reduce irrigation needs. Pervious materials could be used wherever possible to increase infiltration. Roof collection systems could return rainwater to the ground through the use of dry wells."*

This is exceedingly inadequate, particularly in the Central Pine Barrens where groundwater resources are of the utmost importance. This concern is further heightened given the fact that the Town is currently engaged in the development of a Carmans River Watershed Protection Plan. The Gordon Heights Land Use Plan acknowledges that a portion of its plan area is within the 0 to 50 year groundwater contributing area of the Carmans River. The Carmans River Technical Advisory Committee and Carmans River Study Group are actively engaged in compiling extensive and detailed existing data about groundwater in the Carmans River Watershed area which will be used in developing very exacting performance standards for future land use actions within the watershed. Accordingly, it would behoove the Town to undertake the same careful and painstaking

approach to the assessment of existing groundwater resource conditions within the Gordon Heights Land Use Plan study area and demonstrate consistency in its approach, as is being done in regard to the Carmans River Watershed. Such an effort will also ensure the Gordon Heights Land Use Plan provides adequate protection for the Carmans River and is not at cross purposes with the Carmans River preservation effort.

Section 617.3 (g) of the SEQRA regulations pertains to segmentation. Subparagraph 2 of this section states:

*“If it is determined that an EIS is necessary for an action consisting of a set of activities or steps, only one draft and one final EIS need be prepared on the action provided that the statement addresses each part of the action at a level of detail sufficient for an adequate analysis of the significant adverse environmental impacts...” (emphasis added)*

The Town should adhere to this requirement in its review of the environmental impacts of the proposed land use plan and prepare and issue a Supplemental DGEIS to provide a sufficient level of detail in regard to such impacts.

### ***Central Pine Barrens Impacts and Compliance/Credit Program Sending and Receiving Areas***

The Town must demonstrate two things before adopting the proposed Land Use Plan and Code Amendments. First, the Town must demonstrate that the proposed code amendments are not substantially inconsistent with the Long Island Pine Barrens Protection Act of 1993 and the Central Pine Barrens Comprehensive Land Use Plan (CLUP). Second, the impacts of the proposed code amendments and their consistency with the CLUP must be analyzed. This is noted in Section 617.9(b)(5)(iii)(h), which states that an EIS must contain:

*“a statement and evaluation of the potential significant adverse environmental impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence. The Draft EIS should identify and discuss ... impacts of the proposed action on, and its consistency with, the comprehensive management plan for the special groundwater protection area program as implemented pursuant to Article 55 or any plan subsequently ratified and adopted pursuant to Article 57 of the Environmental Conservation Law for Nassau and Suffolk Counties.”*

The Gordon Heights Land Use Plan DGEIS must demonstrate that the proposed rezoning actions comply with the CLUP, specifically *Chapter 5, Standards and Guidelines for Land Use*, and *Chapter 6, Pine Barrens Credit Program*. In particular, Chapter 6 of the CLUP states:

*"Each Town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program."*

The CLUP analyzed a specific build out capacity for the Town based on the Town zoning in 1995. Any proposed deviation from the DEIS analysis that formed the basis of the adopted CLUP, particularly proposed increases in density or intensity on a project site (e.g., Planned Development Districts (PDDs)) should be required to redeem pine barrens credits or transfer of development rights (TDRs) for land uses such as residential, commercial or industrial.

Projects that propose an increase in density and/or intensity should redeem Pine Barrens Credits to ensure continued compliance with the CLUP's receiving area ratios and mitigate potential adverse environmental impacts.

The Town's continued compliance with the CLUP Chapter 6, Pine Barrens Credit Program, is required. If the proposed Land Use Plan affects the current maintenance of the minimum one to one receiving capacity to sending credit ratio requirement, the Plan must provide and evaluate its current standing.

### ***Conformance with Central Pine Barrens CLUP, Particularly Vegetation Clearing Standards***

Compliance with the CLUP must be demonstrated for all rezoning scenarios (e.g., A-1 Residence to J Business) to avoid potential adverse cumulative impacts pursuant to the CLUP, including, but not limited to, impacts on vegetation due to non-compliance with Vegetation Clearance Limit Standard 5.3.3.6.1 and other Standards in Chapter 5, and maintenance of the ratio of receiving area to sending area capacity as outlined in *CLUP Chapter 6, Pine Barrens Credit Program*.

The Gordon Heights Land Use Plan/DGEIS contains several tables that list parcels in the Gordon Heights hamlet, their existing zoning, and proposed zoning. In many instances, the existing zoning and proposed zoning have different clearing limits, as per *CLUP Figure 5-1, Clearance Standards*. For example, any parcels currently zoned A-1 Residence are subject to a 53% Clearing Limit Standard which is substantially less than that allowed on any parcels currently zoned J Business which are subject to a 65% Clearing Limit Standard. However, the DGEIS does not address compliance with the CLUP as a result of rezoning scenarios including compliance with or adverse impacts on Standards such as the Vegetation Clearance Limit, as per *Chapter 5, Figure 5-1 of the CLUP*.



If the rezonings proceed, the proposed Plan may result in significant adverse impacts on groundwater resources and natural resources including, but not limited to, pine barrens vegetation and habitat in the CGA. In addition, the rezonings may create a multitude of hardship cases in which projects are proposed which do not conform to the standards in the CLUP. Therefore, all parcels within the Gordon Heights Land Use Plan study area, whether or not they are in a Town-designated Hamlet area or whether or not they are subsequently rezoned, remain subject to the CLUP Standards (e.g., Vegetation Clearance Limit) based on their zoning in 1995. In order to avoid adverse environmental impacts on vegetation, habitat and wildlife, even if parcels are rezoned in the future, the Town should apply the clearing standard based on the 1995 zoning in order to avoid adverse impacts and avoid non-compliance with the CLUP. Accordingly, the proposed Gordon Heights Land Use Plan should be revised to include an analysis that compares the total amount of vegetation which could be cleared over the entire set of parcels to be rezoned under both their existing zoning and proposed zoning. The current Draft Gordon Heights Land Use Plan does not contain this analysis.

Overall, the Plan does not demonstrate that proposed rezoning scenarios achieve overall compliance with the CLUP. Accordingly, the analysis should be revised to demonstrate whether or not the proposed rezoning actions comply with the CLUP. The analysis should be submitted for review to the Commission prior to a final decision on or the adoption of the proposed Land Use Plan.

### ***Draft GEIS for the Gordon Heights Land Use Plan***

As was discussed earlier in these comments Commission staff have determined that the Draft GEIS performs a woefully inadequate review of existing environmental resources and potential environmental impacts. It is strongly recommended the Town prepare a Supplemental DGEIS to adequately address these substantive deficiencies. Some of the specific deficiencies are noted below but the subsequent analysis should not be considered exhaustive:

#### **1 Executive Summary**

##### **Proposed Zoning and Land Use Changes (p. 3-5. Table 3-5)**

This table lists at least 34 parcels proposed to be rezoned from A-1 Residence to either J or J6 Business/Commercial and Planned Development District (PDD). The parcels collectively represent approximately 74 acres of land. A rough estimate of the amount of clearing that could occur under existing A-1 Residential Zoning is 39 acres, as per the CLUP Standard of 53% listed in Figure 5-1 of the CLUP. The amount of clearing that could occur under the proposed commercial or PDD zoning districts is 48 acres, as per the applicable Standard listed in CLUP Figure 5-1. The DGEIS must identify this and other potential adverse impacts on the Compatible Growth Area and the CLUP and propose adequate mitigation to address adverse impact(s).

#### **4 Environmental Setting (p. 4-1)**

This section refers the reader to sections of the Land Use Plan entitled Land Use and Zoning, Infrastructure and Environmental Resources. However, as noted below, many of the sections in the Gordon Heights Land Use Plan, in particular those on Environmental Resources, are extremely insufficient and inadequate.

#### **5 Potential Significant Adverse Environmental Impacts, Mitigation Measures and Alternatives**

Throughout this section of the document are “Proposed Mitigation” subsections which purport to address potential environmental impacts generated by the proposed land use plan. As discussed in previous sections of this letter, these mitigation measures are cursory, vague, general, non-committal and exceedingly inadequate. They do not meet the SEQRA “Hard Look” test first espoused by State courts in H.O.M.E.S. versus UDC and subsequently required of all lead agencies in New York State, including the Town of Brookhaven. Accordingly, it is strongly recommended that the Town prepare and issue a Supplemental DGEIS which conducts an adequate environmental impact analysis.

##### **5.2 Groundwater – Water Use and Wastewater Treatment (p. 5-2)**

A mere single paragraph is utilized to describe potential environmental impacts. No discussion is provided regarding impacts on groundwater quality such as the amount and concentration of nitrates to be generated after implementation of the Land Use Plan, impacts on private wells, potential impacts on public supply wells and impacts on the Carmans River. In regard to mitigation, the DGEIS recites vague, general and non-binding Town guidelines regarding water conservation methods, use of drought-tolerant plants, use of pervious materials and use of roof collection systems. These are non-specific, insufficient and do not satisfy the performance standard requirements nor establish adequate performance standards as required in Section 617.10 of the SEQRA regulations regarding future actions subsequent to a GEIS.

##### **5.5 Ecological Resources (p. 5-4)**

This section does not mention the hamlet’s location in the Compatible Growth Area of the Central Pine Barrens and compliance with the Central Pine Barrens Comprehensive Land Use Plan.

Furthermore, this section provides only a 3-sentence description of the adverse impacts of the Gordon Heights Land Use Plan and a mere 2

sentences which describe proposed mitigation measures. As is stated elsewhere in this letter, this section would be one of the lengthiest and most detailed in an EIS considered truly complete for public review. This discussion is missing any rational analysis in regard to loss of vegetation, including quantification; impacts on any plant or animal species which are rare, endangered, threatened or of special concern; impacts on wildlife due to habitat loss and impacts on ecological cover types. None of this information has been provided. This section would not satisfy the SEQRA "hard look" principle to which every lead agency, including the Town, must adhere.

### ***Gordon Heights Draft Land Use Plan***

#### **7.2 Groundwater Resources (p. 7-1)**

The DGEIS provides a mere single paragraph to describe the groundwater resources within the Gordon Heights Land Use Plan study area. This is woefully inadequate when the area overlies a sensitive deep-recharge area and designated sole-source aquifer and when one considers that groundwater is one of the most significant and important natural resources on Long Island. Routinely, whether it is a GEIS or site-specific or project-specific EIS, groundwater resource sections would provide a basic reiteration of the subsurface conditions underneath the area (e.g. Upper Glacial, Magothy and Lloyd aquifers along with strata of interest such as clays), data on existing water quality from observation and public supply wells within or adjacent to the study area, direction of groundwater flow (both horizontal and vertical vectors), depth to groundwater (e.g. ranges over the area), a discussion of existing areas of groundwater remediation or areas of contamination, location of clay lenses or other subsurface strata of low permeability that may affect groundwater, pumping information and locations in which private wells are utilized as opposed to public water. As it stands, this single paragraph would not satisfy the SEQRA "hard look" principle to which every lead agency, including the Town, must adhere.

As noted earlier in this letter, this concern is increased due to the Town's preparation of a Carmans River Watershed Protection Plan. The Gordon Heights Land Use Plan area is within the 0 to 50 year groundwater contributing area of the Carmans River. The Carmans River Technical Advisory Committee and Carmans River Study Group are actively engaged in compiling extensive and detailed existing data about groundwater in the Carmans River Watershed area which will be used in developing very exacting performance standards for future land use actions within the watershed. Accordingly, it would behoove the Town to undertake the same careful and painstaking approach to the assessment of existing groundwater resource conditions within the Gordon Heights Land Use Plan study area and demonstrate consistency in its approach, as is being done in regard to the

Carmans River Watershed. Such an effort will also ensure the Gordon Heights Land Use Plan provides adequate protection for the Carmans River and does not conflict with the Carmans River preservation effort.

Furthermore, the recitation here of vague, general and non-binding Town guidelines regarding clustering, clearing, fertilizer-dependent vegetation is not appropriate for the Environmental Setting section nor would it suffice as being adequate if it were moved to the mitigation measures section.

### **7.3 Sensitive Environmental Resources (p. 7-1)**

This section states, *“For Hamlet Centers, Pine Barrens Credits or off-site preservation within the Compatible Growth Area would be used instead of having to comply with clearing standards. This would allow greater density in the Hamlet Centers. Parcels outside Hamlet Centers or within Transitional Areas would continue to have to comply with the clearing standards.”* The Commission has not permitted the use of PBCs to comply with Clearing Standards. If an applicant proposes clearing in excess of the Standard, the proposal would require Commission review and its approval of a Hardship waiver. It is not current Commission policy to permit clearing in excess of the Standard in order to meet a Town planning objective. Furthermore, only the Commission is empowered, pursuant to ECL Article 57, to approve variances from the Central Pine Barrens Standards.

Projects in the CGA that constitute development, as per ECL §57-0107(13), whether they are within or outside of a hamlet center, must comply with the CLUP. This includes, but is not limited to, compliance with Standard 5.3.3.6.1 - Vegetation Clearance Limit, Standard 5.3.3.6.2 - Unfragmented Open Space and Standard 5.3.3.6.3 - Fertilizer Dependent Vegetation Limit. The CGA is designated as a regional resource and recognized as a buffer to the Core Preservation Area. The protection of its groundwater resources and the integrity of the Pine Barrens ecosystem must be preserved in accordance with the goals and objectives of ECL Article 57 and the CLUP.

Again, as in the groundwater resources section in paragraph 7.2, a mere single paragraph of 3 sentences is utilized at the top of page 7-3 to address ecological resources. Normally, in any EIS, this section would be one of the lengthiest and most detailed. Missing from this discussion are routine items such as ecological cover types; the results of data requests from the New York Natural Heritage Program in regard to the potential presence of rare, endangered, threatened or special concern plants or animals; information on breeding birds obtained from the Breeding Bird Atlas; direct observation; ecological data obtained from prior analyses of proposed development projects within the Land Use Plan study area; expected and observed wildlife species and habitat requirements of species. Yet, none of this information has been provided. Even the brief discussion of freshwater wetlands within

the study area is inadequate. No information is provided as to the DEC classification of these wetlands (i.e. I through IV), size, type or condition. The DGEIS merely states that ponds in the northeastern corner of Gordon Heights "...should receive special attention..." As noted previously, this single paragraph would not satisfy the SEQRA "hard look" principle to which every lead agency, including the Town, must adhere.

#### **10.4 Utilize Transfer of Development Rights (pp. 10-11)**

This section refers to a variety of proposed changes to the Commission's TDR program. However, the Plan Amendments are a work in progress. The proposed changes that are listed may be eliminated from the Amendments or revised prior to adoption. Although the document could reference the current activity relative to the preparation of Plan Amendments, listing specific amendments is too premature at this stage. Therefore, they should be removed or revised to generally reference the current, ongoing CLUP Amendment process. The proposed Land Use Plan should not be contingent on any or all amendments being adopted since the process is not complete at this time, nor has the environmental review by the Commission and the public been completed to date.

The "Recommendations" portion of this Section, states: *"Designate the Transitional Corridors of Middle Country Road as sending areas for the potential sale of Transfer of Development Rights credits. Designate the Westfield-Fife Neighborhood Center as a receiving area for the purchase of TDR credits. Establish an on-line exchange for buyers and sellers of TDR credits or work with the Pine Barrens Commission to manage a Town program."* The Commission manages an active Credit Program, which requires a significant amount of effort, attention, and resources. Moreover, the Commission is currently aiming to accelerate the program and is contemplating a proposal to mandate Pine Barrens Credit (PBC) redemption requirements for proposed land use development projects that include increases in density or intensity. It is not the Commission's current objective, intention, or recommendation to create a new, potentially competing program, encourage such a program or partake in a competing program that would jeopardize the success of the Pine Barrens Credit Program. The Town is required to comply with the Pine Barrens Credit Program. It is strongly recommended that the Town utilize their discretionary powers, particularly in regard to downzoning applications, to require the redemption of Pine Barrens Credits. Fostering support of this program ensures that current holders of PBCs will realize the development value that was created in their land when the Act was adopted in 1993, more than 17 years ago.

### **11.1 Provide Housing Choices in the South Neighborhood Center (p. 11-3)**

This section recommends rezoning of parcels in the proposed South Neighborhood Center to a Planned Development District. *Table 11-2, Proposed Zone Change for South Neighborhood Center*, lists six parcels totaling 41 acres where zone changes are proposed from existing A-1 Residence Zoning to PDD Zoning. The document does not refer to compliance with the CLUP including but not limited to *Chapter 4, Review Procedures and Jurisdiction*, *Chapter 5, Standards and Guidelines for Land Use*, and *Chapter 6, Pine Barrens Credit Program*, nor is an analysis provided of the potential impacts on the CLUP as a result of the proposed rezoning. The DGEIS must include this analysis and the Plan must reflect compliance.

### **15.1 Provide Wastewater Collection (p. 15-1)**

The Commission's proposed mandatory credit requirement does not preclude project sites where either an STP exists or where an STP is proposed. Regardless of the system of sanitary treatment that is proposed in an application, the mandatory credit proposal requires Pine Barrens Credits to be redeemed whenever any increases in sanitary flow over the as of right flow (as per the current underlying zoning) are proposed. Rezoning scenarios would be subject to compliance with CLUP Standards and Guidelines under their existing zoning designation, not their proposed or future zoning designation, to determine the excess flow capacity and the number of PBCs required.

In addition, *CLUP Standard 5.3.3.1.2 (Sewage Treatment Plant Discharge)* states, "Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens." Therefore, proposals for construction of new Sewage Treatment Plants in the CGA should be avoided to the greatest extent practicable. Again, increases in development density and intensity must still comply with all CLUP Standards and Guidelines and must be consistent with the goals and objectives of ECL Article 57.

### **Appendix B, Hamlet Center and Transitional Zone Overlay District Guidelines**

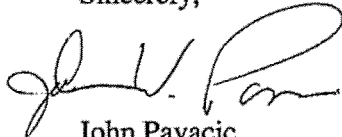
The proposed Draft Land Use Plan contains a proposed Hamlet Center Overlay District (HCOD). The proposed HCOD does not include any reference to compliance with the CLUP including, but not limited to Chapters 4, 5, and 6. Since all parcels in the CGA that are also within the HCOD must comply with the CLUP, any proposed Code Amendment or adoption of a new Code Section or Hamlet Plan must include, at a

minimum, a cross reference statement to the CLUP and ECL Article 57 and also must demonstrate conformance with the CLUP and ECL Article 57.

The information and discussion contained in the Gordon Heights Land Use Plan and DGEIS does not provide adequate support for future site-specific SEQRA reviews within the Land Use Plan study area. Furthermore, the Commission would not be able to rely on this document as satisfying any portion of its own SEQRA review requirements for any project within the Gordon Heights Land Use Plan study area which may come before the Commission for a hardship waiver or other form of approval. Accordingly, it is highly recommended that the Town prepare and issue a Supplemental DGEIS which adequately addresses the substantive deficiencies enumerated above.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pavacic", written in a cursive style.

John Pavacic  
Executive Director

JWP/jh

cc: Judy Jakobsen, Policy and Planning Manager, CPBJPPC  
Julie Hargrave, Environmental Planner, CPBJPPC  
John Milazzo, Esq., Counsel to the Commission  
Tullio Bertoli, APA, AICP, LEED, Commissioner, TOB PELM  
Brenda Prusinowski, AICP, Deputy Commissioner, TOB PELM  
John Turner, Director, TOB Division of Environmental Protection  
Jeffrey Kassner, Assistant Director, TOB Division of Environmental Protection

COUNTY OF SUFFOLK



STEVE LEVY  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

RECEIVED

DEC - 6 2010

PLANNING DIVISION

THOMAS A. ISLES, A.I.C.P.  
DIRECTOR OF PLANNING

December 2, 2010

Town Brookhaven  
One Independence Hill  
Farmingville, New York 11738  
Att: Patricia Eddington, Clerk

Re: Gordon Heights Land Use Plan  
Zoning Action: Plan Amendment  
S.C.P.C. File No.: BR-10-14

Dear Ms. Eddington:

The Suffolk County Planning Commission at its regular meeting on December 1, 2010, reviewed the referral from the Town Brookhaven entitled "Gordon Heights Land Use Plan", referred to it pursuant to Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code.

The attached Resolution signifies action taken by the Commission relative to this application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Andrew P. Fratong".

Andrew P. Fratong  
Chief Planner

RECEIVED

DEC - 6 2010

PLANNING DIVISION

APF/ds

cc: Thomas Chawner, Town of Brookhaven, Department of Planning,  
Environment and Land Management

LOCATION

H. LEE DENNISON BLDG. - 4TH FLOOR  
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS

P. O. BOX 6100  
HAUPPAUGE, NY 11788-0099

(631) 853-5190  
TELECOPIER (631) 853-4044



Resolution No. ZSR-10-41 of the Suffolk County Planning Commission  
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

- WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a proposed zoning action was received at the offices of the Suffolk County Planning Commission on October 25, 2010, with respect to the application of “**Gordon Heights Land Use Plan**, located in the Hamlet of Gordon Heights in the Town of Brookhaven,
- WHEREAS, said application was considered by the Suffolk County Planning Commission at its meeting on December 1, 2010 now therefore, Be it
- RESOLVED, that the Suffolk County Planning Commission hereby approves and adopts the report of its staff, as may be amended, as the report of the Commission, Be it further
- RESOLVED, pursuant to Section 239-m 6. of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further
- RESOLVED, that the Suffolk County Planning Commission **Approves** said application subject to the following conditions;

1. The Gordon Heights Land Use Plan shall be referred to the NYS DOT in order to determine the potential impact and required mitigation associated with the additional development potential proposed along the NYS Rte. 25 corridor.

The plan proposes to increase development potential along Middle Country Road (NYS Rte. 25). Middle Country Road has previously been noted for its high accident rate and congested conditions during peak periods and the additional development may adversely impact critical intersections resulting in decreased levels of service and failure conditions. The subject GHLUP should be reviewed by the NYS DOT in order to determine the potential impact and required mitigation associated with the additional development potential proposed by the Hamlet Overlay District, Transitional Business Districts and any impact from trip generation originating from the Mixed Use Hamlet Center PDD heading north to the state right of way.

2. The Gordon Heights Land Use Plan shall be referred to the Central Pine Barrens Joint Planning and Policy Commission.

All of the GHLUP study area is situated within the Compatible Growth Area of the Central Pine Barrens as identified in the Central Pine Barrens Comprehensive Management Plan as promulgated by the Central Pine Barrens Joint Planning and Policy Commission. The development of high density Hamlet Centers may violate clearing standards established by the Pine Barrens Commission. Moreover, the GHLUP recommends the creation of sending and receiving areas for TDR's, sanitary credits and Pine Barren Credits. The GHLUP may significantly alter the existing Pine Barrens program ratios for PBC sending and receiving districts (as ratified by the Town of Brookhaven) and the availability of adequate receiving sites for PBC's must be carefully considered prior to adoption by the Town of Brookhaven.

3. The Gordon Heights Land Use Plan shall be referred to the Suffolk County Department of Health Services and Suffolk County Department of Public Works.

Development densities within the neighborhood centers and PPDs will ultimately be set by the Suffolk County Department of Health Services pursuant to Article 6 of the Suffolk County Sanitary Code. Transfer of development rights as a means of density shifting is a viable option toward mitigating density impacts to regional groundwater quality and should be used by the Town of Brookhaven and Suffolk

County Department of Health Services. Sewage treatment plants are another potential option to address the density impacts to groundwater quality. Sewage treatment options should emphasize a regional approach. The Suffolk County Department of Public Works is conducting sewer district studies for the Selden/Medford area. The GHLUP should require that sewer connection as a result of development within the GHLUP area be connected to the regional STP in accordance with the review and approval by the Suffolk County Department of Health Services and Suffolk County Department of Public Works.

Comment:

The GHLUP is an important effort by the Town of Brookhaven to address the Hamlet of Gordon Heights. The Town should be recognized for its efforts to address the issues of this community. The plan raises a number of questions however, with respect to the impact on the Pine Barrens Comprehensive Management Plan and the local and State roadway network.

Please Note:

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:  
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>  
A copy of the Suffolk County Planning Commission Guidebook is also included with this letter.

Motion by: Commissioner Kelly

Seconded by: Commissioner Esposito

Commission Vote: Present – 11

Ayes - 11

Nays - 1

Abstentions - 0

Recusal- Commissioner Weir

#### **COMMISSION ACTIONS ON ADOPTION OF RESOLUTION**

	AYE	NAY	ABSTAIN	ABSENT
<b>BOLTON, CHARLA</b> At-Large	X			
<b>CALONE, DAVID</b> Town of Babylon	X			
<b>CHARTRAND, MATTHEW</b> Town of Islip	X			
<b>ESPOSITO, ADRIENNE</b> Villages over 5,000	X			
<b>FINN, JOHN</b> Town of Smithtown	X			
<b>HOLMES, LINDA</b> Town of Shelter Island	X			
<b>HORTON, JOSHUA</b> At-Large		X		
<b>KELLY, MICHAEL</b> Town of Brookhaven	X			
<b>KONTOKOSTA, CONSTANTINE</b> Vill. Under 5,000	X			
<b>LANSDALE, SARAH</b> Town of Huntington				X
<b>MC ADAM, TOM</b> Town of Southold	X			
<b>ROBERTS, BARBARA</b> Town of Southampton	X			
<b>TALDONE, VINCENT</b> Town of Riverhead	X			
<b>WEIR, DIANA</b> – Town of East Hampton			X	

Dated: December 1, 2010

Location: Maxine S. Postal Auditorium of the Evans K. Griffing Building, 300 Center Drive in the Town of Riverhead.

December 3<sup>rd</sup>, 2010

To whom it may concern,

I am writing this letter in support of The Gordon Heights Land-use Project. As a lifelong member of the Gordon Heights community I have maintained a high level of pride in my community despite the negative attempts at destruction of both our history, and future.

The Land-use project and others like it are imperative to the growth of our community. We need to show our young people that The Town of Brookhaven cares about our community. Doing so will enhance pride in our community and encourage youth to participate in the re-vitalization of our community.

Please consider the impact the project will have on the community as a whole.

Sincerely,

Gerome Bell Jr.

1 2010-11-10  
2010-11-10 12:00 PM  
FOR: Mr. Bell



# HARRISON HALE COMMUNITY ACTION CENTER



December 6, 2010

**Bishop Harrison Hale**  
CEO

**Mrs. Artice Hale**  
*Program Development  
Chairperson*

**Mrs. Grace Ioannidis**  
*Nominating & Promo-  
tion Chairperson*

**Ms. Lenore Bivians**  
*Nominating & Promo-  
tion Committee*

**Mrs. Michelle Okijiola**  
*Nominating & Promo-  
tion Committee*

**Ms. Jan Bivians**  
*Executive Secretary*

**Mrs. Deborah Colfer**  
*Grant writer*

**Ms. Rhonda Green**  
*Program Development  
Committee*

**Mr. Xavier Hale**  
*Finance Committee*

**Ms. Tieara Williams**  
*Finance Committee*

To Whom It May Concern:

My name is Bishop Harrison Hale, CEO, of the Harrison Hale Community Action Center, 576 Granny Road, Medford, N.Y. 11763. Unfortunately, I am unable to attend the meeting scheduled for December 7, 2010 due to a prior engagement.

However we are in support of the land use plan proposed for Gordon Heights.

If any additional information is needed please contact me at 631.698.8484

Sincerely

*Bishop Harrison Hale*

Bishop Harrison Hale  
CEO

1 576 776 60  
206 176-71 P 1 60  
206 176-71 P 1 60

**APPENDIX C**  
**INFORMATION RELATED TO THE PREPARATION OF THE DEIS**

### **Studies, Reports, and Information Considered**

- Final 2006 Middle Country Road Land Use Plan for Coram, Middle Island and Ridge
- Design Guidelines For Middle Country Road Town Of Brookhaven, NY, 2008
- ADU Zoning Regulations, Title 24 Zoning Ordinance of the City Of Santa Cruz
- Gordon Heights Visioning Summary, Vision Long Island
- Overton Preserve Moratorium Area Land Use Plan
- Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other than Single Family Residences
- Town of Brookhaven Zoning Code
- NYS Division of Housing and Community Renewal, NYS Housing Trust Fund Corporation, Unified Funding Reference Materials, 2009
- Neighborhood Stabilization Program, Program Year 2008
- Suffolk County Workforce Housing Program
- Suffolk County Workforce Housing Commission Endorsement Process, Invitation to Developers

### **Dates, Duration, and Personnel that Conducted Site Visits**

- Initial site visits before and immediately after start of work on Land Use Plan
- Numerous visits by David Berg to tour Gordon Heights accompanied by members of Civic Association, Chamber of Commerce and Fire Department
- Various evening community meetings held at the Gordon Heights Firehouse
- Attendance at Gordon Heights Day, 2009

### **Federal, State, Regional, and Local Agencies, Organizations, Consultants, and Private Persons Consulted**

- Town of Brookhaven, Planning, Environment, and Land Management
- Town of Brookhaven, Housing and Human Services,
- Town of Brookhaven, Traffic Safety
- Suffolk County Department of Public Works
- Long Island Housing Partnership
- Gordon Heights Chamber of Commerce
- Gordon Heights Civic Association
- Gordon Heights Fire Department
- Vision Long Island
- ADL III Architecture

### **Names of Preparers**

David L. Berg, AICP, LEEP AP, Senior Environmental Planner

Janice Jijina, PE, AICP, LEEP AP, Partner

## **APPENDIX D**

### **LIVING RESOURCES**

**MAMMALS THAT OCCUR IN THE TOWN OF BROOKHAVEN  
FROM THE TOWN OF BROOKHAVEN  
1990 NATURAL RESOURCES INVENTORY**

Masked Shrew (Sorex cinereus)  
 Short-tailed Shrew (Blarina brevicauda)  
 Least Shrew (Cryptotis parva)  
 Eastern Mole (Scalopus aquaticus)  
 Star-nosed Mole (Condylura cristata)  
 Little Brown Bat (Myotis lucifugus)  
 \* Keen's Bat (Myotis keenii)  
 \*\* Silver-Haired Bat (Lasionycteris noctivagans)  
 \*\* Eastern Pipistrelle (Pipistrellus subflavus)  
 Big Brown Bat (Eptesicus fuscus)  
 Red Bat (Lasiurus borealis)  
 \*\* Hoary Bat (Lasiurus cinereus)  
 Eastern Cottontail (Sylvilagus floridanus)  
 Eastern Chipmunk (Tamias striatus)  
 Woodchuck (Marmota monax)  
 Gray Squirrel (Sciurus carolinensis)  
 Southern Flying Squirrel (Glaucomys volans)  
 White-footed Mouse (Peromyscus leucopus)  
 Meadow Vole (Microtus pennsylvanicus)  
 Pine Vole (Microtus pinetorum)  
 Muskrat (Ondatra zibethicus)  
 \*\* Black Rat (Rattus rattus)  
 Norway Rat (Rattus norvegicus)  
 House Mouse (Mus musculus)  
 \*\* Meadow Jumping Mouse (Zapus hudsonicus)  
 Red Fox (Vulpes vulpes)  
 Eastern Raccoon (Procyon lotor)  
 \*\* Short-tailed Weasel (Mustela erminea)  
 Long-tailed Weasel (Mustela frenata)  
 \* Mink (Mustela vison)  
 \* River Otter (Lutra canadensis)  
 \*\* Striped Skunk (Mephitis mephitis)  
 Harbor Seal (Phoca vitulina)  
 White-tailed Deer (Odocoileus virginianus)

\* possible; \*\* rare



**MAMMALS LIKELY TO OCCUR**  
**In Gordon Heights Proposed Neighborhood Center Parcels**

<b>Common Name</b>	<b>Latin Name</b>
big-brown bat	<i>Eptesicus fuscus</i>
hoary bat	<i>Lasiurus borealis</i>
Keen's bat	<i>Myotis keenii</i>
little-brown bat	<i>Myotis lucifugus</i>
red bat	<i>Lasiurus borealis</i>
Eastern pipistrelle	<i>Pipistrellus subflavus</i>
silver-haired bat	<i>Lasionycteris noctivagans</i>
Eastern chipmunk	<i>Tamias striatus</i>
Eastern cottontail	<i>Sylvilagus floridanus</i>
white-tailed deer	<i>Odocoileus virginianus</i>
red fox	<i>Vulpes vulpes</i>
Eastern mole	<i>Scalopus aquaticus</i>
house mouse	<i>Mus musculus</i>
white-footed mouse	<i>Peromyscus leucopus</i>
Virginia opossum	<i>Didelphis virginiana</i>
raccoon	<i>Procyon lotor</i>
Norway rat	<i>Rattus norvegicus</i>
masked shrew	<i>Sorex cinereus</i>
short-tailed shrew	<i>Blarina brevicauda</i>
striped skunk	<i>Mephitis mephitis</i>
Eastern gray squirrel	<i>Sciurus carolinensis</i>
southern-flying squirrel	<i>Glaucimys volans</i>
meadow vole	<i>Microtus pennsylvanicus</i>

**NYSDEC BREEDING BIRD ATLAS 2000-2005****List of Species Breeding in Atlas Block 6152B**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Behavior Code</u>	<u>Date</u>	<u>NY Legal Status</u>
Canada Goose	<i>Branta canadensis</i>	FL	6/8/2002	Game Species
Mute Swan	<i>Cygnus olor</i>	FL	6/30/2002	Protected
Wood Duck	<i>Aix sponsa</i>	FL	6/8/2002	Game Species
Mallard	<i>Anas platyrhynchos</i>	FL	6/22/2004	Game Species
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	X1	6/18/2000	Protected
Great Egret	<i>Ardea alba</i>	X1	6/18/2000	Protected
Snowy Egret	<i>Egretta thula</i>	S2	7/2/2000	Protected
Green Heron	<i>Butorides virescens</i>	S2	7/23/2000	Protected
Black-crowned Night-Heron	<i>Nycticorax nycticorax</i>	X1	6/10/2000	Protected
Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>	FL	7/14/2002	Protected
Osprey	<i>Pandion haliaetus</i>	NY	6/30/2002	Protected-Special Concern
Broad-winged Hawk	<i>Buteo platypterus</i>	X1	6/18/2000	Protected
Red-tailed Hawk	<i>Buteo jamaicensis</i>	T2	7/2/2000	Protected
Piping Plover	<i>Charadrius melodus</i>	NY	6/29/2004	Endangered
American Woodcock	<i>Scolopax minor</i>	X1	2/14/2004	Game Species
Rock Pigeon	<i>Columba livia</i>	ON	6/9/2002	Unprotected
Mourning Dove	<i>Zenaida macroura</i>	ON	6/30/2002	Protected
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	S2	6/9/2002	Protected
Eastern Screech-Owl	<i>Megascops asio</i>	X1	1/5/2001	Protected

Great Horned Owl	<i>Bubo virginianus</i>	T2	1/5/2001	Protected
Chimney Swift	<i>Chaetura pelagica</i>	P2	6/8/2002	Protected
Ruby-throated Hummingbird	<i>Archilochus colubris</i>	S2	7/9/2000	Protected
Belted Kingfisher	<i>Megaceryle alcyon</i>	P2	6/30/2002	Protected
Red-bellied Woodpecker	<i>Melanerpes carolinus</i>	FY	7/9/2000	Protected
Downy Woodpecker	<i>Picoides pubescens</i>	FY	6/9/2002	Protected
Hairy Woodpecker	<i>Picoides villosus</i>	P2	6/18/2000	Protected
Northern Flicker	<i>Colaptes auratus</i>	ON	6/8/2002	Protected
Willow Flycatcher	<i>Empidonax traillii</i>	X1	6/10/2000	Protected
Eastern Phoebe	<i>Sayornis phoebe</i>	S2	6/9/2002	Protected
Great Crested Flycatcher	<i>Myiarchus crinitus</i>	S2	6/9/2002	Protected
Eastern Kingbird	<i>Tyrannus tyrannus</i>	NE	6/7/2004	Protected
White-eyed Vireo	<i>Vireo griseus</i>	DD	7/14/2002	Protected
Warbling Vireo	<i>Vireo gilvus</i>	NE	6/8/2002	Protected
Red-eyed Vireo	<i>Vireo olivaceus</i>	S2	7/2/2000	Protected

**NYSDEC BREEDING BIRD ATLAS 2000-2005****List of Species Breeding in Atlas Block 6152 (continued)**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Behavior Code</u>	<u>Date</u>	<u>NY Legal Status</u>
Blue Jay	<i>Cyanocitta cristata</i>	FY	7/16/2000	Protected
American Crow	<i>Corvus brachyrhynchos</i>	P2	6/18/2000	Game Species
Fish Crow	<i>Corvus ossifragus</i>	FY	8/2/2004	Protected
Tree Swallow	<i>Tachycineta bicolor</i>	FY	6/23/2002	Protected
Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>	N2	6/9/2004	Protected
Barn Swallow	<i>Hirundo rustica</i>	FY	6/30/2002	Protected
Black-capped Chickadee	<i>Poecile atricapillus</i>	DD	6/9/2002	Protected
Tufted Titmouse	<i>Baeolophus bicolor</i>	FY	6/8/2002	Protected
White-breasted Nuthatch	<i>Sitta carolinensis</i>	P2	6/18/2000	Protected
Carolina Wren	<i>Thryothorus ludovicianus</i>	ON	7/12/2000	Protected
House Wren	<i>Troglodytes aedon</i>	ON	7/2/2000	Protected
Eastern Bluebird	<i>Sialia sialis</i>	FY	6/23/2002	Protected
Veery	<i>Catharus fuscescens</i>	FL	7/12/2000	Protected
Hermit Thrush	<i>Catharus guttatus</i>	X1	6/10/2000	Protected
Wood Thrush	<i>Hylocichla mustelina</i>	S2	7/2/2000	Protected
American Robin	<i>Turdus migratorius</i>	FL	6/18/2000	Protected
Gray Catbird	<i>Dumetella carolinensis</i>	FL	7/2/2000	Protected
Northern Mockingbird	<i>Mimus polyglottos</i>	S2	6/18/2000	Protected
European Starling	<i>Sturnus vulgaris</i>	ON	6/8/2002	Unprotected

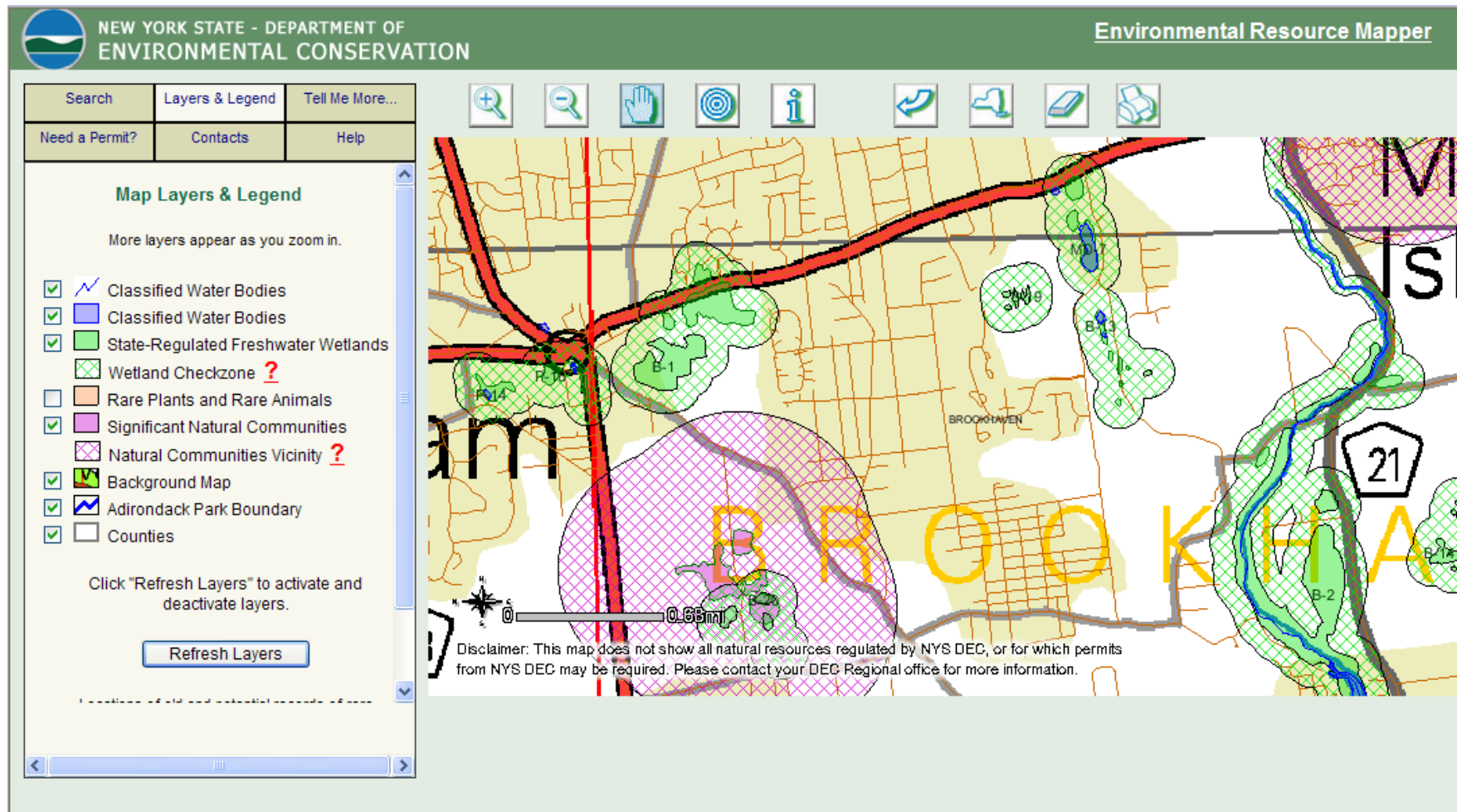
<u>Common Name</u>	<u>Scientific Name</u>	<u>Behavior Code</u>	<u>Date</u>	<u>NY Legal Status</u>
Cedar Waxwing	<i>Bombycilla cedrorum</i>	S2	7/2/2000	Protected
Yellow Warbler	<i>Dendroica petechia</i>	FY	6/8/2002	Protected
Black-and-white Warbler	<i>Mniotilta varia</i>	X1	6/10/2000	Protected
Ovenbird	<i>Seiurus aurocapilla</i>	FL	7/23/2000	Protected
Louisiana Waterthrush	<i>Seiurus motacilla</i>	FY	7/9/2000	Protected
Kentucky Warbler	<i>Oporornis formosus</i>	FL	7/16/2000	Protected
Common Yellowthroat	<i>Geothlypis trichas</i>	FY	6/18/2000	Protected
Eastern Towhee	<i>Pipilo erythrophthalmus</i>	S2	7/9/2000	Protected
Chipping Sparrow	<i>Spizella passerina</i>	S2	6/18/2000	Protected
Song Sparrow	<i>Melospiza melodia</i>	FY	7/9/2000	Protected
Scarlet Tanager	<i>Piranga olivacea</i>	P2	6/8/2002	Protected
Northern Cardinal	<i>Cardinalis cardinalis</i>	FL	7/2/2000	Protected
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	S2	6/9/2002	Protected
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	NE	6/8/2002	Protected
Common Grackle	<i>Quiscalus quiscula</i>	FY	6/8/2002	Protected

**NYSDEC BREEDING BIRD ATLAS 2000-2005****List of Species Breeding in Atlas Block 6152 (continued)**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Behavior Code</u>	<u>Date</u>	<u>NY Legal Status</u>
Brown-headed Cowbird	<i>Molothrus ater</i>	FL	7/2/2000	Protected
Orchard Oriole	<i>Icterus spurius</i>	NE	6/14/2004	Protected
Baltimore Oriole	<i>Icterus galbula</i>	P2	6/9/2002	Protected
House Finch	<i>Carpodacus mexicanus</i>	P2	6/9/2002	Protected
American Goldfinch	<i>Spinus tristis</i>	P2	7/9/2000	Protected
House Sparrow	<i>Passer domesticus</i>	ON	6/18/2000	Unprotected

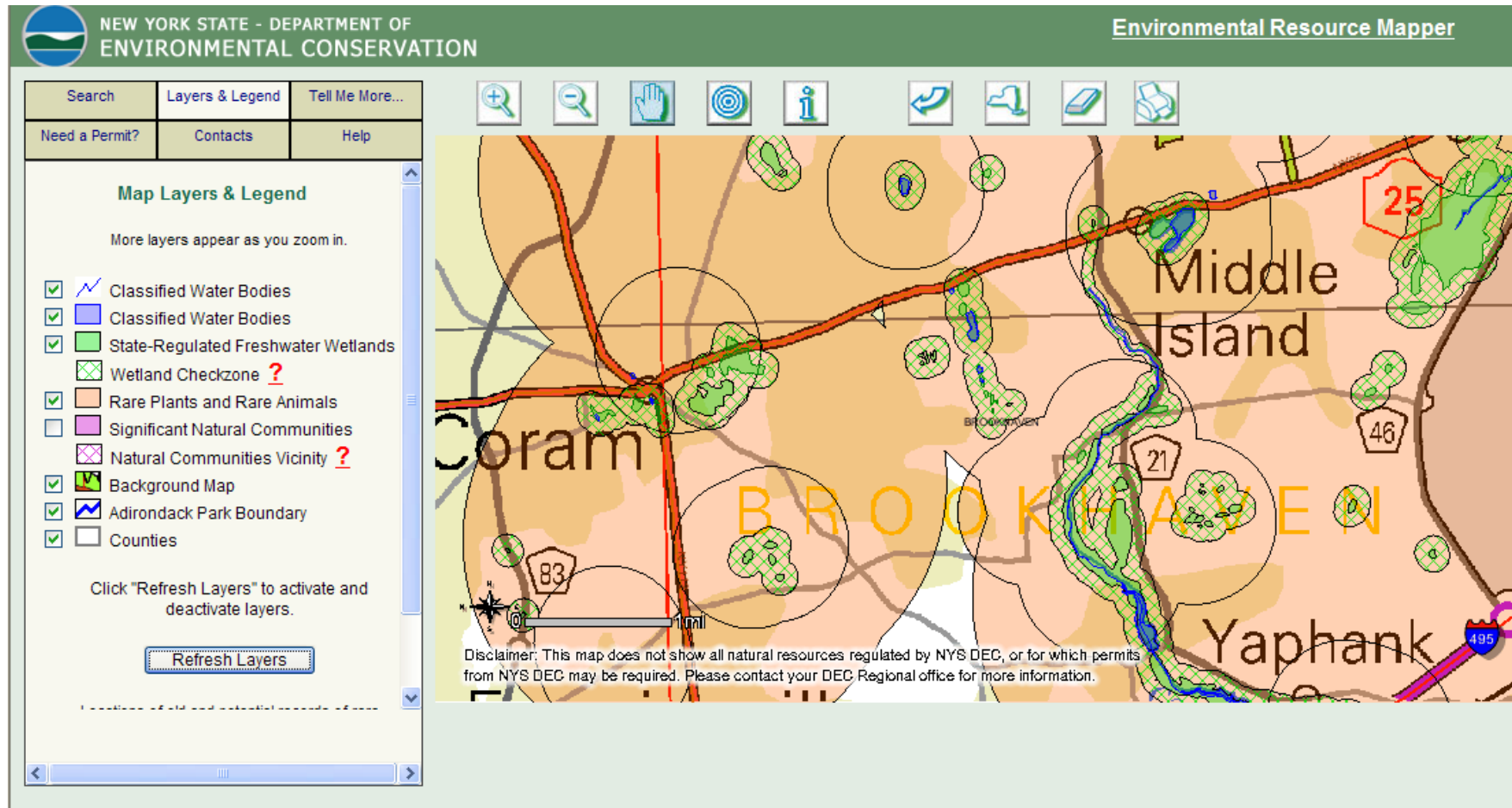
<b>Breeding Bird Atlas Behavior Code Key</b>		
<b>Behavior Code</b>	<b>Description</b>	<b>Behavior Category</b>
X1	Species seen in possible nesting habitat or singing male(s) present in breeding season.	Possible
S2	Singing male present on more than one date in the same place.	Probable
P2	Pair observed in suitable habitat in breeding season.	Probable
T2	Bird (or pair) apparently holding territory.	Probable
D2	Courtship and display, agitated behavior. Includes copulation, well developed brood patch, or cloacal protuberance.	Probable
N2	Visiting probable nest site.	Probable
B2	Nest building or excavation of a nest hole.	Probable
DD	Distraction display or injury-feigning.	Confirmed
UN	Used nest found.	Confirmed
FE	Female with egg in the oviduct.	Confirmed
FL	Recently fledged young.	Confirmed
ON	Adult(s) entering or leaving nest site indicating occupied nest.	Confirmed
FS	Adult carrying fecal sac.	Confirmed
FY	Adult(s) with food for young or feeding young.	Confirmed
NE	Nest and eggs, bird on nest or egg, or eggshells beneath nest.	Confirmed
NY	Nest with young.	Confirmed

## NYSDEC - ENVIRONMENTAL RESOURCE MAPPER



## NYSDEC - ENVIRONMENTAL RESOURCE MAPPER

### Rare and Endangered Species





## FROM THE TOWN OF BROOKHAVEN

## 1990 NATURAL RESOURCES INVENTORY

Rare NYS Plant Species Seen in Brookhaven Town 1984-1989 by R.E. Zaremba,  
The Nature Conservancy and the New York Natural Heritage Program – February 1990

<u>SPECIES</u>	<u>HABITAT</u>
Agalinis acuta	grasslands
Agalinis virgata	pondshores
Aster solidagineus	pine barrens grasslands
Carex bullata	borders of streams and wet ground
Carex collinsii	red maple woods
Chamaecyparis thyoides	pondshores and swamps
Coreopsis rosea	shallow water in coastal plain ponds
Eleocharis equisetoides	shallow water in coastal plain ponds
Eleocharis tricostrata	coastal plain pondshores
Hedyotis uniflora	coastal plain pondshores
Helianthus angustifolius	High salt marsh
Hemicarpha micrantha	woodland ponds
Iris prismatica	coastal plain pondshores and high marsh
Ilechea tenuifolia	pine barrens grasslands
Liatris scariosa var novae-arnliae	pine barrens grasslands
Linum intercursum	pine barrens grasslands
Listera australis	red maple swamps
Lobelia nuttallii	coastal plain pondshores and wet ground
Ludwigia sphaerocarpa	shallow water of coastal plain ponds
Magnolia virginiana	edges of ponds, swamps
Minuartia caroliniana	exposed sand
Oenothera laciniata	exposed sand
Potentilla anserina var pacifica	high salt marsh
Prosperpinaca pectinata	coastal plain pondshores
Psilocarya nitens	coastal plain pondshores
Psilocarya scirpoides	coastal plain pondshores
Rhynchospora inundata	shallow water of coastal plain ponds
Rotala ramosior	coastal plain pondshores
Sagittaria teres	shallow water of coastal plain ponds
Scirpus cylindricus	brackish marsh
Scleria pauciflora	dry grassy areas
Scleria reticularis var reticularis	coastal plain pondshores
Scleria triglomerata	wet acid sand
Tillaea aquatica	freshwater intertidal marsh
Utricularia biflora	coastal plain ponds
Utricularia fibrosa	coastal plain ponds
Utricularia geminiscapa	ponds
Utricularia juncea	coastal plain pondshores and wetlands
Utricularia radiata	coastal plain ponds
Uvularia puberula	the drier red maple woods

**FROM THE TOWN OF BROOKHAVEN**

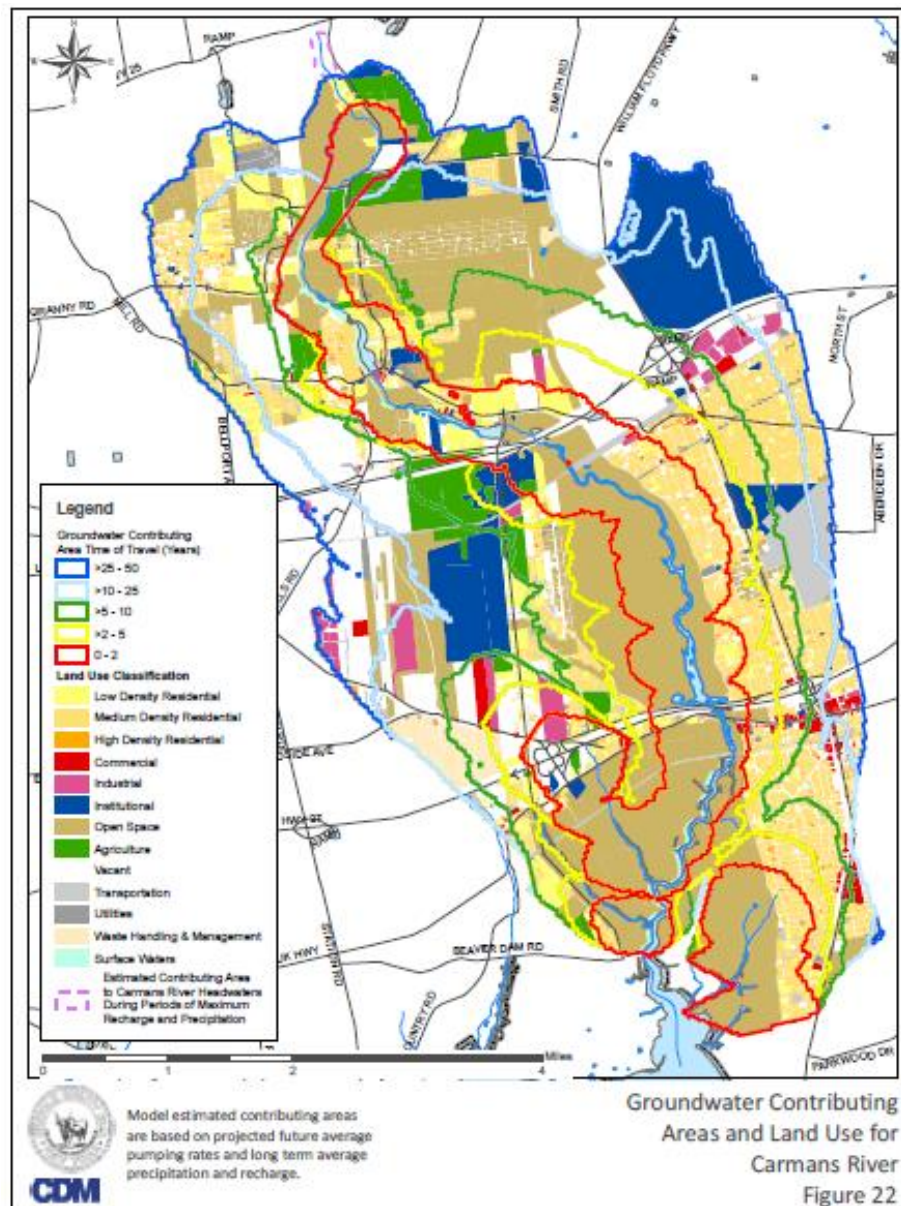
**1990 NATURAL RESOURCES INVENTORY**

**List of Vegetation in Forest Habitats in the Town of Brookhaven**

**Oak-pine/Pine Barrens:**

Pitch Pine (Pinus rigida)  
White Oak (Quercus alba)  
Scarlet Oak (Quercus coccinea)  
Scrub Oak (Quercus ilicifolia)  
Early Low Blueberry (Vaccinium vacillans)  
Late Low Blueberry (Vaccinium angustifolium)  
Black Huckleberry (Gaylussacia baccata)  
Sweet fern (Comptonia peregrina)  
Bracken Fern (Pteridium aquilinum)  
Sheep Laurel (Kalmia angustifolia)  
Partridgeberry (Mitchella repens)  
Trailing Arbutus (Epigaea repens)  
Wintergreen (Gaultheria procumbens)  
Spotted Wintergreen (Chimaphila maculata)  
Common Greenbrier (Smilax rotundifolia)

**APPENDIX E**  
**CARMANS RIVER CONTRIBUTING AREA**



**APPENDIX F**  
**GORDON HEIGHTS SOILS**



Map Symbol	Unit Map Unit Name	Acres in AOI	Percent of AOI
At	Atsion sand	62.7	3.6%
CpA	Carver and Plymouth sands, 0 to 3 percent slopes	545.6	31.1%
CpC	Carver and Plymouth sands, 3 to 15 percent slopes	390.1	22.2%
CpE	Carver and Plymouth sands, 15 to 35 percent slopes	195.2	11.1%
CuB	Cut and fill land, gently sloping	80.5	4.6%
MfA	Montauk fine sandy loam, 0 to 3 percent slopes	13.9	0.8%
PIA	Plymouth loamy sand, 0 to 3 percent slopes	242.6	13.8%
PIB	Plymouth loamy sand, 3 to 8 percent slopes	136.2	7.8%
PIC	Plymouth loamy sand, 8 to 15 percent slopes	2.0	0.1%
RdA	Riverhead sandy loam, 0 to 3 percent slopes	57.4	3.3%
RdB	Riverhead sandy loam, 3 to 8 percent slopes	0.1	0.0%
SdA	Scio silt loam, sandy substratum, 0 to 2 percent slopes	17.3	1.0%
W	Water	12.1	0.7%
<b>Totals</b>		<b>1,755.8</b>	<b>100.0%</b>

